

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 42

AN ACT

1 To repeal sections 163.011 and 163.031 as enacted by  
 2 house bill no. 1689, ninety-seventh general assembly,  
 3 second regular session, and sections 160.011, 160.400,  
 4 160.403, 160.405, 160.410, 160.415, 160.417, 160.425,  
 5 162.081, 162.1250, 163.018, 163.036, 167.121, 167.131,  
 6 171.031, and 210.861, RSMo, and to enact in lieu  
 7 thereof fifty-one new sections relating to elementary  
 8 and secondary education, with an emergency clause.

9  
 10  
 11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
 12 AS FOLLOWS:

13  
 14 Section A. Sections 163.011 and 163.031, as enacted by  
 15 house bill no. 1689, ninety-seventh general assembly, second  
 16 regular session, and sections 160.011, 160.400, 160.403, 160.405,  
 17 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.018,  
 18 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, are  
 19 repealed and fifty-one new sections enacted in lieu thereof, to  
 20 be known as sections 160.011, 160.400, 160.403, 160.405, 160.408,  
 21 160.410, 160.415, 160.417, 160.425, 161.084, 161.087, 161.238,  
 22 161.1000, 161.1005, 162.081, 162.1250, 162.1303, 162.1305,  
 23 162.1310, 162.1313, 163.011, 163.018, 163.031, 163.036, 167.121,  
 24 167.127, 167.131, 167.132, 167.642, 167.685, 167.688, 167.730,  
 25 167.825, 167.826, 167.827, 167.830, 167.833, 167.836, 167.839,

1 167.842, 167.845, 167.848, 167.890, 170.215, 170.320, 171.031,  
2 177.015, 210.861, 633.420, 1, and 2, to read as follows:

3 160.011. As used in chapters 160, 161, 162, 163, 164, 165,  
4 167, 168, 170, 171, 177 and 178, the following terms mean:

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

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

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

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

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

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

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

21 (4) "Graduation rate", the [quotient of the number of  
22 graduates in the current year as of June thirtieth divided by the  
23 sum of the number of graduates in the current year as of June  
24 thirtieth plus the number of twelfth graders who dropped out in  
25 the current year plus the number of eleventh graders who dropped  
26 out in the preceding year plus the number of tenth graders who  
27 dropped out in the second preceding year plus the number of ninth  
28 graders who dropped out in the third preceding year] graduation

1 rate determined by the annual performance report required by the  
2 Missouri school improvement program;

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

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

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

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

13 (9) "School term", a minimum of one hundred seventy-four  
14 school days, as that term is defined in section 160.041, for  
15 schools with a five-day school week or a minimum of one hundred  
16 forty-two school days, as that term is defined in section  
17 160.041, for schools with a four-day school week, and one  
18 thousand forty-four hours of actual pupil attendance as scheduled  
19 by the board pursuant to section 171.031 during a twelve-month  
20 period in which the academic instruction of pupils is actually  
21 and regularly carried on for a group of students in the public  
22 schools of any school district. A school term may be within a  
23 school year or may consist of parts of two consecutive school  
24 years, but does not include summer school. A district may choose  
25 to operate two or more terms for different groups of children. A  
26 school term for students participating in a school flex program  
27 as established in section 160.539 may consist of a combination of  
28 actual pupil attendance and attendance at college or technical

1 career education or approved employment aligned with the  
2 student's career academic plan for a total of one thousand  
3 forty-four hours;

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

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

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

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

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

20 160.400. 1. A charter school is an independent public  
21 school.

22 2. Except as further provided in subsection 4 of this  
23 section, charter schools may be operated [only]:

24 (1) In a metropolitan school district;

25 (2) In an urban school district containing most or all of a  
26 city with a population greater than three hundred fifty thousand  
27 inhabitants;

28 (3) In a school district that has been [declared]

1 classified as unaccredited by the state board of education;

2 (4) In a school district that has been classified as  
3 provisionally accredited by the state board of education [and has  
4 received scores on its annual performance report consistent with  
5 a classification of provisionally accredited or unaccredited for  
6 three consecutive school years beginning with the 2012-13  
7 accreditation year under the following conditions:

8 (a) The eligibility for charter schools of any school  
9 district whose provisional accreditation is based in whole or in  
10 part on financial stress as defined in sections 161.520 to  
11 161.529, or on financial hardship as defined by rule of the state  
12 board of education, shall be decided by a vote of the state board  
13 of education during the third consecutive school year after the  
14 designation of provisional accreditation; and

15 (b) The sponsor is limited to the local school board or a  
16 sponsor who has met the standards of accountability and  
17 performance as determined by the department based on sections  
18 160.400 to 160.425 and section 167.349 and properly promulgated  
19 rules of the department]; [or]

20 (5) In a school district that has been accredited without  
21 provisions, sponsored only by the local school board; provided  
22 that no board with a current year enrollment of one thousand five  
23 hundred fifty students or greater shall permit more than  
24 thirty-five percent of its student enrollment to enroll in  
25 charter schools sponsored by the local board under the authority  
26 of this subdivision, except that this restriction shall not apply  
27 to any school district that subsequently becomes eligible under  
28 subdivision (3) or (4) of this subsection or to any district

1 accredited without provisions that sponsors charter schools prior  
2 to having a current year student enrollment of one thousand five  
3 hundred fifty students or greater;

4 (6) In any school district that has most or all of its land  
5 area located in a county with a charter form of government and  
6 with more than six hundred thousand but fewer than seven hundred  
7 thousand inhabitants, except for any district in such county that  
8 is accredited without provisions by the state board of education  
9 and that has a resident pupil enrollment of less than three  
10 thousand; or

11 (7) In any school district that has most or all of its land  
12 area located in a county with a charter form of government and  
13 with more than nine hundred fifty thousand inhabitants.

14 3. Except as further provided in subsection 4 of this  
15 section, the following entities are eligible to sponsor charter  
16 schools:

17 (1) The school board of the district in any district which  
18 is sponsoring a charter school as of August 27, 2012, as  
19 permitted under subdivision (1) or (2) of subsection 2 of this  
20 section, the special administrative board of a metropolitan  
21 school district during any time in which powers granted to the  
22 district's board of education are vested in a special  
23 administrative board, or if the state board of education appoints  
24 a special administrative board to retain the authority granted to  
25 the board of education of an urban school district containing  
26 most or all of a city with a population greater than three  
27 hundred fifty thousand inhabitants, the special administrative  
28 board of such school district;

1           (2) A public four-year college or university with an  
2 approved teacher education program that meets regional or  
3 national standards of accreditation;

4           (3) A community college, the service area of which  
5 encompasses some portion of the district;

6           (4) Any private four-year college or university with an  
7 enrollment of at least one thousand students, with its primary  
8 campus in Missouri, and with an approved teacher preparation  
9 program;

10          (5) Any two-year private vocational or technical school  
11 designated as a 501(c)(3) nonprofit organization under the  
12 Internal Revenue Code of 1986, as amended, [which is a member of  
13 the North Central Association] and accredited by the Higher  
14 Learning Commission, with its primary campus in Missouri; [or]

15          (6) The Missouri charter public school commission created  
16 in section 160.425.

17          4. [Changes in a school district's accreditation status  
18 that affect charter schools shall be addressed as follows, except  
19 for the districts described in subdivisions (1) and (2) of  
20 subsection 2 of this section:

21           (1) As a district transitions from unaccredited to  
22 provisionally accredited, the district shall continue to fall  
23 under the requirements for an unaccredited district until it  
24 achieves three consecutive full school years of provisional  
25 accreditation;

26           (2) As a district transitions from provisionally accredited  
27 to full accreditation, the district shall continue to fall under  
28 the requirements for a provisionally accredited district until it

1 achieves three consecutive full school years of full  
2 accreditation;

3 (3) ] (1) In any school district classified as unaccredited  
4 or provisionally accredited where a charter school is operating  
5 and is sponsored by an entity other than the local school board,  
6 when the school district becomes classified as accredited without  
7 provisions, a charter school may continue to be sponsored by the  
8 entity sponsoring it prior to the classification of accredited  
9 without provisions and shall not be limited to the local school  
10 board as a sponsor.

11 (2) A charter school operating in a school district  
12 identified in subdivision (1) or (2) of subsection 2 of this  
13 section may be sponsored by any of the entities identified in  
14 subsection 3 of this section, irrespective of the accreditation  
15 classification of the district in which it is located. A charter  
16 school in a district described in this subsection whose charter  
17 provides for the addition of grade levels in subsequent years may  
18 continue to add levels until the planned expansion is complete to  
19 the extent of grade levels in comparable schools of the district  
20 in which the charter school is operated.

21 5. The mayor of a city not within a county may request a  
22 sponsor under subdivision (2), (3), (4), (5), or (6) of  
23 subsection 3 of this section to consider sponsoring a "workplace  
24 charter school", which is defined for purposes of sections  
25 160.400 to 160.425 as a charter school with the ability to target  
26 prospective students whose parent or parents are employed in a  
27 business district, as defined in the charter, which is located in  
28 the city.



1           6. No sponsor shall receive from an applicant for a charter  
2 school any fee of any type for the consideration of a charter,  
3 nor may a sponsor condition its consideration of a charter on the  
4 promise of future payment of any kind.

5           7. The charter school shall be organized as a Missouri  
6 nonprofit corporation incorporated pursuant to chapter 355. The  
7 charter provided for herein shall constitute a contract between  
8 the sponsor and the charter school.

9           8. As a nonprofit corporation incorporated pursuant to  
10 chapter 355, the charter school shall select the method for  
11 election of officers pursuant to section 355.326 based on the  
12 class of corporation selected. Meetings of the governing board  
13 of the charter school shall be subject to the provisions of  
14 sections 610.010 to 610.030.

15           9. A sponsor of a charter school, its agents and employees  
16 are not liable for any acts or omissions of a charter school that  
17 it sponsors, including acts or omissions relating to the charter  
18 submitted by the charter school, the operation of the charter  
19 school and the performance of the charter school.

20           10. A charter school may affiliate with a four-year college  
21 or university, including a private college or university, or a  
22 community college as otherwise specified in subsection 3 of this  
23 section when its charter is granted by a sponsor other than such  
24 college, university or community college. Affiliation status  
25 recognizes a relationship between the charter school and the  
26 college or university for purposes of teacher training and staff  
27 development, curriculum and assessment development, use of  
28 physical facilities owned by or rented on behalf of the college

1 or university, and other similar purposes. A university, college  
2 or community college may not charge or accept a fee for  
3 affiliation status.

4 11. The expenses associated with sponsorship of charter  
5 schools shall be defrayed by the department of elementary and  
6 secondary education retaining one and five-tenths percent of the  
7 amount of state and local funding allocated to the charter school  
8 under section 160.415, not to exceed one hundred twenty-five  
9 thousand dollars, adjusted for inflation. The department of  
10 elementary and secondary education shall remit the retained funds  
11 for each charter school to the school's sponsor, provided the  
12 sponsor remains in good standing by fulfilling its sponsorship  
13 obligations under sections 160.400 to 160.425 and 167.349 with  
14 regard to each charter school it sponsors, including appropriate  
15 demonstration of the following:

16 (1) Expends no less than ninety percent of its charter  
17 school sponsorship funds in support of its charter school  
18 sponsorship program, or as a direct investment in the sponsored  
19 schools;

20 (2) Maintains a comprehensive application process that  
21 follows fair procedures and rigorous criteria and grants charters  
22 only to those developers who demonstrate strong capacity for  
23 establishing and operating a quality charter school;

24 (3) Negotiates contracts with charter schools that clearly  
25 articulate the rights and responsibilities of each party  
26 regarding school autonomy, expected outcomes, measures for  
27 evaluating success or failure, performance consequences aligned  
28 with annual performance report evaluations of public schools, and

1 other material terms;

2 (4) Conducts contract oversight that evaluates performance,  
3 monitors compliance, informs intervention and renewal decisions,  
4 and ensures autonomy provided under applicable law; and

5 (5) Designs and implements a transparent and rigorous  
6 process that uses comprehensive data to make merit-based renewal  
7 decisions.

8 12. Sponsors receiving funds under subsection 11 of this  
9 section shall be required to submit annual reports to the joint  
10 committee on education demonstrating they are in compliance with  
11 subsection 17 of this section.

12 13. No university, college or community college shall grant  
13 a charter to a nonprofit corporation if an employee of the  
14 university, college or community college is a member of the  
15 corporation's board of directors.

16 14. No sponsor shall grant a charter under sections 160.400  
17 to 160.425 and 167.349 without ensuring that a criminal  
18 background check and family care safety registry check are  
19 conducted for all members of the governing board of the charter  
20 schools or the incorporators of the charter school if initial  
21 directors are not named in the articles of incorporation, nor  
22 shall a sponsor renew a charter without ensuring a criminal  
23 background check and family care safety registry check are  
24 conducted for each member of the governing board of the charter  
25 school.

26 15. No member of the governing board of a charter school  
27 shall hold any office or employment from the board or the charter  
28 school while serving as a member, nor shall the member have any

1 substantial interest, as defined in section 105.450, in any  
2 entity employed by or contracting with the board. No board  
3 member shall be an employee of a company that provides  
4 substantial services to the charter school. All members of the  
5 governing board of the charter school shall be considered  
6 decision-making public servants as defined in section 105.450 for  
7 the purposes of the financial disclosure requirements contained  
8 in sections 105.483, 105.485, 105.487, and 105.489.

9 16. A sponsor shall develop the policies and procedures  
10 for:

11 (1) The review of a charter school proposal including an  
12 application that provides sufficient information for rigorous  
13 evaluation of the proposed charter and provides clear  
14 documentation that the education program and academic program are  
15 aligned with the state standards and grade-level expectations,  
16 and provides clear documentation of effective governance and  
17 management structures, and a sustainable operational plan;

18 (2) The granting of a charter;

19 (3) The performance **[framework]** contract that the sponsor  
20 will use to evaluate the performance of charter schools. Charter  
21 schools shall meet current state academic performance standards  
22 as well as other standards agreed upon by the sponsor and the  
23 charter school in the performance contract;

24 (4) The sponsor's intervention, renewal, and revocation  
25 policies, including the conditions under which the charter  
26 sponsor may intervene in the operation of the charter school,  
27 along with actions and consequences that may ensue, and the  
28 conditions for renewal of the charter at the end of the term,

1 consistent with subsections 8 and 9 of section 160.405;

2 (5) Additional criteria that the sponsor will use for  
3 ongoing oversight of the charter; and

4 (6) Procedures to be implemented if a charter school should  
5 close, consistent with the provisions of subdivision (15) of  
6 subsection 1 of section 160.405. The department shall provide  
7 guidance to sponsors in developing such policies and procedures.

8 17. (1) A sponsor shall provide timely submission to the  
9 state board of education of all data necessary to demonstrate  
10 that the sponsor is in material compliance with all requirements  
11 of sections 160.400 to 160.425 and section 167.349. The state  
12 board of education shall ensure each sponsor is in compliance  
13 with all requirements under sections 160.400 to 160.425 and  
14 167.349 for each charter school sponsored by any sponsor. The  
15 state board shall notify each sponsor of the standards for  
16 sponsorship of charter schools, delineating both what is mandated  
17 by statute and what best practices dictate. The state board  
18 shall evaluate sponsors to determine compliance with these  
19 standards every three years. The evaluation shall include a  
20 sponsor's policies and procedures in the areas of charter  
21 application approval; required charter agreement terms and  
22 content; sponsor performance evaluation and compliance  
23 monitoring; and charter renewal, intervention, and revocation  
24 decisions. Nothing shall preclude the department from  
25 undertaking an evaluation at any time for cause.

26 (2) If the department determines that a sponsor is in  
27 material noncompliance with its sponsorship duties, the sponsor  
28 shall be notified and given reasonable time for remediation. If

1 remediation does not address the compliance issues identified by  
2 the department, the commissioner of education shall conduct a  
3 public hearing and thereafter provide notice to the charter  
4 sponsor of corrective action that will be recommended to the  
5 state board of education. Corrective action by the department  
6 may include withholding the sponsor's funding and suspending the  
7 sponsor's authority to sponsor a school that it currently  
8 sponsors or to sponsor any additional school until the sponsor is  
9 reauthorized by the state board of education under section  
10 160.403.

11 (3) The charter sponsor may, within thirty days of receipt  
12 of the notice of the commissioner's recommendation, provide a  
13 written statement and other documentation to show cause as to why  
14 that action should not be taken. Final determination of  
15 corrective action shall be determined by the state board of  
16 education based upon a review of the documentation submitted to  
17 the department and the charter sponsor.

18 (4) If the state board removes the authority to sponsor a  
19 currently operating charter school under any provision of law,  
20 the Missouri charter public school commission shall become the  
21 sponsor of the school.

22 18. If a sponsor notifies a charter school of closure under  
23 subsection 8 of section 160.405, the department of elementary and  
24 secondary education shall exercise its financial withholding  
25 authority under subsection 13 of section 160.415 to assure all  
26 obligations of the charter school shall be met. The state,  
27 charter sponsor, or resident district shall not be liable for any  
28 outstanding liability or obligations of the charter school.

1           160.403. 1. The department of elementary and secondary  
2 education shall establish an annual application and approval  
3 process for all entities eligible to sponsor charters as set  
4 forth in section 160.400 which are not sponsoring a charter  
5 school as of August 28, 2012, except that the Missouri charter  
6 public school commission shall not be required to undergo the  
7 application and approval process. No later than November 1,  
8 2012, the department shall make available information and  
9 guidelines for all eligible sponsors concerning the opportunity  
10 to apply for sponsoring authority under this section.

11           2. The application process for sponsorship shall require  
12 each interested eligible sponsor, except for the Missouri charter  
13 public school commission, to submit an application by February  
14 first that includes the following:

15           (1) Written notification of intent to serve as a charter  
16 school sponsor in accordance with sections 160.400 to 160.425 and  
17 section 167.349;

18           (2) Evidence of the applicant sponsor's budget and  
19 personnel capacity;

20           (3) An outline of the request for proposal that the  
21 applicant sponsor would, if approved as a charter sponsor, issue  
22 to solicit charter school applicants consistent with sections  
23 160.400 to 160.425 and section 167.349;

24           (4) The performance **[framework]** contract that the applicant  
25 sponsor would, if approved as a charter sponsor, use to **[guide**  
26 **the establishment of a charter contract and for ongoing oversight**  
27 **and a description of how it would]** evaluate the charter schools  
28 it sponsors; and

1 (5) The applicant sponsor's renewal, revocation, and  
2 nonrenewal processes consistent with section 160.405.

3 3. By April first of each year, the department shall decide  
4 whether to grant or deny a sponsoring authority to a sponsor  
5 applicant. This decision shall be made based on the applicant  
6 charter's compliance with sections 160.400 to 160.425 and section  
7 167.349 and properly promulgated rules of the department.

8 4. Within thirty days of the department's decision, the  
9 department shall execute a renewable sponsoring contract with  
10 each entity it has approved as a sponsor. The term of each  
11 authorizing contract shall be six years and renewable. [No  
12 eligible sponsor which is not currently sponsoring a charter  
13 school as of August 28, 2012, shall commence charter sponsorship  
14 without approval from the state board of education and a sponsor  
15 contract with the state board of education in effect.]

16 160.405. 1. A person, group or organization seeking to  
17 establish a charter school shall submit the proposed charter, as  
18 provided in this section, to a sponsor. If the sponsor is not a  
19 school board, the applicant shall give a copy of its application  
20 to the school board of the district in which the charter school  
21 is to be located and to the state board of education, within five  
22 business days of the date the application is filed with the  
23 proposed sponsor. The school board may file objections with the  
24 proposed sponsor, and, if a charter is granted, the school board  
25 may file objections with the state board of education. The  
26 charter shall [be] include a legally binding performance contract  
27 that describes the obligations and responsibilities of the school  
28 and the sponsor as outlined in sections 160.400 to 160.425 and



1 section 167.349 and shall [also include] address the following:

2 (1) A mission and vision statement for the charter school;

3 (2) A description of the charter school's organizational  
4 structure and bylaws of the governing body, which will be  
5 responsible for the policy, financial management, and operational  
6 decisions of the charter school, including the nature and extent  
7 of parental, professional educator, and community involvement in  
8 the governance and operation of the charter school;

9 (3) A financial plan for the first three years of operation  
10 of the charter school including provisions for annual audits;

11 (4) A description of the charter school's policy for  
12 securing personnel services, its personnel policies, personnel  
13 qualifications, and professional development plan;

14 (5) A description of the grades or ages of students being  
15 served;

16 (6) The school's calendar of operation, which shall include  
17 at least the equivalent of a full school term as defined in  
18 section 160.011;

19 (7) A description of the charter school's pupil performance  
20 standards and academic program performance standards, which shall  
21 meet the requirements of subdivision (6) of subsection 4 of this  
22 section. The charter school program shall be designed to enable  
23 each pupil to achieve such standards and shall contain a complete  
24 set of indicators, measures, metrics, and targets for academic  
25 program performance, including specific goals on graduation rates  
26 and standardized test performance and academic growth;

27 (8) A description of the charter school's educational  
28 program and curriculum;

1           (9) The term of the charter, which shall be five years and  
2 ~~[shall]~~ may be ~~[renewable]~~ renewed;

3           (10) Procedures, consistent with the Missouri financial  
4 accounting manual, for monitoring the financial accountability of  
5 the charter, which shall meet the requirements of subdivision (4)  
6 of subsection 4 of this section;

7           (11) Preopening requirements for applications that require  
8 that charter schools meet all health, safety, and other legal  
9 requirements prior to opening;

10          (12) A description of the charter school's policies on  
11 student discipline and student admission, which shall include a  
12 statement, where applicable, of the validity of attendance of  
13 students who do not reside in the district but who may be  
14 eligible to attend under the terms of judicial settlements and  
15 procedures that ensure admission of students with disabilities in  
16 a nondiscriminatory manner;

17          (13) A description of the charter school's grievance  
18 procedure for parents or guardians;

19          (14) A description of the agreement and time frame for  
20 implementation between the charter school and the sponsor as to  
21 when a sponsor shall intervene in a charter school, when a  
22 sponsor shall revoke a charter for failure to comply with  
23 subsection 8 of this section, and when a sponsor will not renew a  
24 charter under subsection 9 of this section;

25          (15) Procedures to be implemented if the charter school  
26 should close, as provided in subdivision (6) of subsection 16 of  
27 section 160.400 including:

28           (a) Orderly transition of student records to new schools

1 and archival of student records;

2 (b) Archival of business operation and transfer or  
3 repository of personnel records;

4 (c) Submission of final financial reports;

5 (d) Resolution of any remaining financial obligations;

6 [and]

7 (e) Disposition of the charter school's assets upon  
8 closure; and

9 (f) A notification plan to inform parents or guardians of  
10 students, the local school district, the retirement system in  
11 which the charter school's employees participate, and the state  
12 board of education within thirty days of the decision to close;

13 (16) A description of the special education and related  
14 services that shall be available to meet the needs of students  
15 with disabilities; and

16 (17) For all new or revised charters, procedures to be used  
17 upon closure of the charter school requiring that unobligated  
18 assets of the charter school be returned to the department of  
19 elementary and secondary education for their disposition, which  
20 upon receipt of such assets shall return them to the local school  
21 district in which the school was located, the state, or any other  
22 entity to which they would belong.

23

24 Charter schools operating on August 27, 2012, shall have until  
25 August 28, 2015, to meet the requirements of this subsection.

26 2. Proposed charters shall be subject to the following  
27 requirements:

28 (1) A charter shall be submitted to the sponsor, and follow

1 the sponsor's policies and procedures for review and granting of  
2 a charter approval, and be approved by the state board of  
3 education by [December first of the year] January thirty-first  
4 prior to the school year of the proposed opening date of the  
5 charter school;

6 (2) A charter may be approved when the sponsor determines  
7 that the requirements of this section are met, determines that  
8 the applicant is sufficiently qualified to operate a charter  
9 school, and that the proposed charter is consistent with the  
10 sponsor's charter sponsorship goals and capacity. The sponsor's  
11 decision of approval or denial shall be made within ninety days  
12 of the filing of the proposed charter;

13 (3) If the charter is denied, the proposed sponsor shall  
14 notify the applicant in writing as to the reasons for its denial  
15 and forward a copy to the state board of education within five  
16 business days following the denial;

17 (4) If a proposed charter is denied by a sponsor, the  
18 proposed charter may be submitted to the state board of  
19 education, along with the sponsor's written reasons for its  
20 denial. If the state board determines that the applicant meets  
21 the requirements of this section, that the applicant is  
22 sufficiently qualified to operate the charter school, and that  
23 granting a charter to the applicant would be likely to provide  
24 educational benefit to the children of the district, the state  
25 board may grant a charter and act as sponsor of the charter  
26 school. The state board shall review the proposed charter and  
27 make a determination of whether to deny or grant the proposed  
28 charter within sixty days of receipt of the proposed charter,

1 provided that any charter to be considered by the state board of  
2 education under this subdivision shall be submitted no later than  
3 March first prior to the school year in which the charter school  
4 intends to begin operations. The state board of education shall  
5 notify the applicant in writing as the reasons for its denial, if  
6 applicable; and

7 (5) The sponsor of a charter school shall give priority to  
8 charter school applicants that propose a school oriented to  
9 high-risk students and to the reentry of dropouts into the school  
10 system. If a sponsor grants three or more charters, at least  
11 one-third of the charters granted by the sponsor shall be to  
12 schools that actively recruit dropouts or high-risk students as  
13 their student body and address the needs of dropouts or high-risk  
14 students through their proposed mission, curriculum, teaching  
15 methods, and services. For purposes of this subsection, a  
16 "high-risk" student is one who is at least one year behind in  
17 satisfactory completion of course work or obtaining high school  
18 credits for graduation, has dropped out of school, is at risk of  
19 dropping out of school, needs drug and alcohol treatment, has  
20 severe behavioral problems, has been suspended from school three  
21 or more times, has a history of severe truancy, is a pregnant or  
22 parenting teen, has been referred for enrollment by the judicial  
23 system, is exiting incarceration, is a refugee, is homeless or  
24 has been homeless sometime within the preceding six months, has  
25 been referred by an area school district for enrollment in an  
26 alternative program, or qualifies as high risk under department  
27 of elementary and secondary education guidelines. "Dropout"  
28 shall be defined through the guidelines of the school core data

1 report. The provisions of this subsection do not apply to  
2 charters sponsored by the state board of education.

3 3. If a charter is approved by a sponsor, the charter  
4 application shall be submitted to the state board of education,  
5 along with a statement of finding by the sponsor that the  
6 application meets the requirements of sections 160.400 to 160.425  
7 and section 167.349 and a monitoring plan under which the charter  
8 sponsor shall evaluate the academic performance, including annual  
9 performance reports, of students enrolled in the charter school.  
10 The state board of education [may, within sixty days, disapprove  
11 the granting of the charter] shall approve or deny a charter  
12 application within sixty days of receipt of the application. The  
13 state board of education may [disapprove] deny a charter on  
14 grounds that the application fails to meet the requirements of  
15 sections 160.400 to 160.425 and section 167.349 or that a charter  
16 sponsor previously failed to meet the statutory responsibilities  
17 of a charter sponsor. Any denial of a charter application made  
18 by the state board of education shall be in writing and shall  
19 identify the specific failures of the application to meet the  
20 requirements of sections 160.400 to 160.425 and section 167.349,  
21 and the written denial shall be provided within ten business days  
22 to the sponsor.

23 4. A charter school shall, as provided in its charter:

24 (1) Be nonsectarian in its programs, admission policies,  
25 employment practices, and all other operations;

26 (2) Comply with laws and regulations of the state, county,  
27 or city relating to health, safety, and state minimum educational  
28 standards, as specified by the state board of education,

1 including the requirements relating to student discipline under  
2 sections 160.261, 167.161, 167.164, and 167.171, notification of  
3 criminal conduct to law enforcement authorities under sections  
4 167.115 to 167.117, academic assessment under section 160.518,  
5 transmittal of school records under section 167.020, the minimum  
6 [number of school days and hours] amount of school time required  
7 under section 160.041, and the employee criminal history  
8 background check and the family care safety registry check under  
9 section 168.133;

10 (3) Except as provided in sections 160.400 to 160.425 and  
11 as specifically provided in other sections, be exempt from all  
12 laws and rules relating to schools, governing boards and school  
13 districts;

14 (4) Be financially accountable, use practices consistent  
15 with the Missouri financial accounting manual, provide for an  
16 annual audit by a certified public accountant, publish audit  
17 reports and annual financial reports as provided in chapter 165,  
18 provided that the annual financial report may be published on the  
19 department of elementary and secondary education's internet  
20 website in addition to other publishing requirements, and provide  
21 liability insurance to indemnify the school, its board, staff and  
22 teachers against tort claims. A charter school that receives  
23 local educational agency status under subsection 6 of this  
24 section shall meet the requirements imposed by the Elementary and  
25 Secondary Education Act for audits of such agencies and comply  
26 with all federal audit requirements for charters with local  
27 [education] educational agency status. For purposes of an audit  
28 by petition under section 29.230, a charter school shall be

1 treated as a political subdivision on the same terms and  
2 conditions as the school district in which it is located. For  
3 the purposes of securing such insurance, a charter school shall  
4 be eligible for the Missouri public entity risk management fund  
5 pursuant to section 537.700. A charter school that incurs debt  
6 shall include a repayment plan in its financial plan;

7 (5) Provide a comprehensive program of instruction for at  
8 least one grade or age group from [kindergarten] early childhood  
9 through grade twelve, [which may include early childhood  
10 education if funding for such programs is established by  
11 statute,] as specified in its charter;

12 (6) (a) Design a method to measure pupil progress toward  
13 the pupil academic standards adopted by the state board of  
14 education pursuant to section 160.514, establish baseline student  
15 performance in accordance with the performance contract during  
16 the first year of operation, collect student performance data as  
17 defined by the annual performance report throughout the duration  
18 of the charter to annually monitor student academic performance,  
19 and to the extent applicable based upon grade levels offered by  
20 the charter school, participate in the statewide system of  
21 assessments, comprised of the essential skills tests and the  
22 nationally standardized norm-referenced achievement tests, as  
23 designated by the state board pursuant to section 160.518,  
24 complete and distribute an annual report card as prescribed in  
25 section 160.522, which shall also include a statement that  
26 background checks have been completed on the charter school's  
27 board members, report to its sponsor, the local school district,  
28 and the state board of education as to its teaching methods and



1 any educational innovations and the results thereof, and provide  
2 data required for the study of charter schools pursuant to  
3 subsection 4 of section 160.410. No charter school shall be  
4 considered in the Missouri school improvement program review of  
5 the district in which it is located for the resource or process  
6 standards of the program.

7 (b) For proposed [high risk] high-risk or alternative  
8 charter schools, sponsors shall approve performance measures  
9 based on mission, curriculum, teaching methods, and services.  
10 Sponsors shall also approve comprehensive academic and behavioral  
11 measures to determine whether students are meeting performance  
12 standards on a different time frame as specified in that school's  
13 charter. Student performance shall be assessed comprehensively  
14 to determine whether a [high risk] high-risk or alternative  
15 charter school has documented adequate student progress. Student  
16 performance shall be based on sponsor-approved comprehensive  
17 measures as well as standardized public school measures. Annual  
18 presentation of charter school report card data to the department  
19 of elementary and secondary education, the state board, and the  
20 public shall include comprehensive measures of student progress.

21 (c) Nothing in this subdivision shall be construed as  
22 permitting a charter school to be held to lower performance  
23 standards than other public schools within a district; however,  
24 the charter of a charter school may permit students to meet  
25 performance standards on a different time frame as specified in  
26 its charter. The performance standards for alternative and  
27 special purpose charter schools that target high-risk students as  
28 defined in subdivision (5) of subsection 2 of this section shall

1 be based on measures defined in the school's performance contract  
2 with its sponsors;

3 (7) Comply with all applicable federal and state laws and  
4 regulations regarding students with disabilities, including  
5 sections 162.670 to 162.710, the Individuals with Disabilities  
6 Education Act (20 U.S.C. Section 1400) and Section 504 of the  
7 Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor  
8 legislation;

9 (8) Provide along with any request for review by the state  
10 board of education the following:

11 (a) Documentation that the applicant has provided a copy of  
12 the application to the school board of the district in which the  
13 charter school is to be located, except in those circumstances  
14 where the school district is the sponsor of the charter school;  
15 and

16 (b) A statement outlining the reasons for approval or  
17 [disapproval] denial by the sponsor, specifically addressing the  
18 requirements of sections 160.400 to 160.425 and 167.349.

19 5. (1) Proposed or existing high-risk or alternative  
20 charter schools may include alternative arrangements for students  
21 to obtain credit for satisfying graduation requirements in the  
22 school's charter application and charter. Alternative  
23 arrangements may include, but not be limited to, credit for  
24 off-campus instruction, embedded credit, work experience through  
25 an internship arranged through the school, and independent  
26 studies. When the state board of education approves the charter,  
27 any such alternative arrangements shall be approved at such time.

28 (2) The department of elementary and secondary education

1 shall conduct a study of any charter school granted alternative  
2 arrangements for students to obtain credit under this subsection  
3 after three years of operation to assess student performance,  
4 graduation rates, educational outcomes, and entry into the  
5 workforce or higher education.

6 6. The charter of a charter school may be amended at the  
7 request of the governing body of the charter school and on the  
8 approval of the sponsor. The sponsor and the governing board and  
9 staff of the charter school shall jointly review the school's  
10 performance, management and operations during the first year of  
11 operation and then every other year after the most recent review  
12 or at any point where the operation or management of the charter  
13 school is changed or transferred to another entity, either public  
14 or private. The governing board of a charter school may amend  
15 the charter, if the sponsor approves such amendment, or the  
16 sponsor and the governing board may reach an agreement in writing  
17 to reflect the charter school's decision to become a local  
18 educational agency. In such case the sponsor shall give the  
19 department of elementary and secondary education written notice  
20 no later than March first of any year, with the agreement to  
21 become effective July first. The department may waive the March  
22 first notice date in its discretion. The department shall  
23 identify and furnish a list of its regulations that pertain to  
24 local educational agencies to such schools within thirty days of  
25 receiving such notice.

26 7. Sponsors shall annually review the charter school's  
27 compliance with statutory standards including:

28 (1) Participation in the statewide system of assessments,

1 as designated by the state board of education under section  
2 160.518;

3 (2) Assurances for the completion and distribution of an  
4 annual report card as prescribed in section 160.522;

5 (3) The collection of baseline data during the first three  
6 years of operation to determine the longitudinal success of the  
7 charter school;

8 (4) A method to measure pupil progress toward the pupil  
9 academic standards adopted by the state board of education under  
10 section 160.514; and

11 (5) Publication of each charter school's annual performance  
12 report.

13 8. (1) (a) A sponsor's [intervention] policies shall give  
14 schools clear, adequate, evidence-based, and timely notice of  
15 contract violations or performance deficiencies and mandate  
16 intervention based upon findings of the state board of education  
17 of the following:

18 a. The charter school provides a high school program which  
19 fails to maintain a graduation rate of at least seventy percent  
20 in three of the last four school years unless the school has  
21 dropout recovery as its mission;

22 b. The charter school's annual performance report results  
23 are below the district's annual performance report results based  
24 on the performance standards that are applicable to the grade  
25 level configuration of both the charter school and the district  
26 in which the charter school is located in three of the last four  
27 school years; and

28 c. The charter school is identified as a persistently

1 lowest achieving school by the department of elementary and  
2 secondary education.

3 (b) A sponsor shall have a policy to revoke a charter  
4 during the charter term if there is:

5 a. Clear evidence of underperformance as demonstrated in  
6 the charter school's annual performance report in three of the  
7 last four school years; or

8 b. A violation of the law or the public trust that imperils  
9 students or public funds.

10 (c) A sponsor shall revoke a charter or take other  
11 appropriate remedial action, which may include placing the  
12 charter school on probationary status for no more than [twelve]  
13 twenty-four months, provided that no more than one designation of  
14 probationary status shall be allowed for the duration of the  
15 charter contract, at any time if the charter school commits a  
16 serious breach of one or more provisions of its charter or on any  
17 of the following grounds: failure to meet the performance  
18 contract as set forth in its charter, failure to meet generally  
19 accepted standards of fiscal management, failure to provide  
20 information necessary to confirm compliance with all provisions  
21 of the charter and sections 160.400 to 160.425 and 167.349 within  
22 forty-five days following receipt of written notice requesting  
23 such information, or violation of law.

24 (2) The sponsor may place the charter school on  
25 probationary status to allow the implementation of a remedial  
26 plan, which may require a change of methodology, a change in  
27 leadership, or both, after which, if such plan is unsuccessful,  
28 the charter may be revoked.

1           (3) At least sixty days before acting to revoke a charter,  
2 the sponsor shall notify the governing board of the charter  
3 school of the proposed action in writing. The notice shall state  
4 the grounds for the proposed action. The school's governing  
5 board may request in writing a hearing before the sponsor within  
6 two weeks of receiving the notice.

7           (4) The sponsor of a charter school shall establish  
8 procedures to conduct administrative hearings upon determination  
9 by the sponsor that grounds exist to revoke a charter. Final  
10 decisions of a sponsor from hearings conducted pursuant to this  
11 subsection are subject to an appeal to the state board of  
12 education, which shall determine whether the charter shall be  
13 revoked.

14           (5) A termination shall be effective only at the conclusion  
15 of the school year, unless the sponsor determines that continued  
16 operation of the school presents a clear and immediate threat to  
17 the health and safety of the children.

18           (6) A charter sponsor shall make available the school  
19 accountability report card information as provided under section  
20 160.522 and the results of the academic monitoring required under  
21 subsection 3 of this section.

22           9. (1) A sponsor shall take all reasonable steps necessary  
23 to confirm that each charter school sponsored by such sponsor is  
24 in material compliance and remains in material compliance with  
25 all material provisions of the charter and sections 160.400 to  
26 160.425 and 167.349. Every charter school shall provide all  
27 information necessary to confirm ongoing compliance with all  
28 provisions of its charter and sections 160.400 to 160.425 and

1 167.349 in a timely manner to its sponsor.

2 (2) The sponsor's renewal process of the charter school  
3 shall be based on the thorough analysis of a comprehensive body  
4 of objective evidence and consider if:

5 (a) The charter school has maintained results on its annual  
6 performance report that meet or exceed the district in which the  
7 charter school is located based on the performance standards that  
8 are applicable to the grade-level configuration of both the  
9 charter school and the district in which the charter school is  
10 located in three of the last four school years;

11 (b) The charter school is organizationally and fiscally  
12 viable determining at a minimum that the school does not have:

13 a. A negative balance in its operating funds;

14 b. A combined balance of less than three percent of the  
15 amount expended for such funds during the previous fiscal year;

16 or

17 c. Expenditures that exceed receipts for the most recently  
18 completed fiscal year;

19 (c) The charter is in compliance with its legally binding  
20 performance contract and sections 160.400 to 160.425 and section  
21 167.349; and

22 (d) The charter school has an annual performance report  
23 consistent with a classification of accredited for three of the  
24 last four years and is fiscally viable as described in paragraph  
25 (b) of subdivision (2) of this subsection. If such is the case,  
26 the charter school may have an expedited renewal process as  
27 defined by rule of the department of elementary and secondary  
28 education.

1           (3) (a) Beginning August first during the year in which a  
2 charter is considered for renewal, a charter school sponsor shall  
3 demonstrate to the state board of education that the charter  
4 school is in compliance with federal and state law as provided in  
5 sections 160.400 to 160.425 and section 167.349 and the school's  
6 performance contract including but not limited to those  
7 requirements specific to academic performance.

8           (b) Along with data reflecting the academic performance  
9 standards indicated in paragraph (a) of this subdivision, the  
10 sponsor shall submit a revised charter application to the state  
11 board of education for review.

12           (c) Using the data requested and the revised charter  
13 application under paragraphs (a) and (b) of this subdivision, the  
14 state board of education shall determine if compliance with all  
15 standards enumerated in this subdivision has been achieved. The  
16 state board of education at its next regularly scheduled meeting  
17 shall vote on the revised charter application.

18           (d) If a charter school sponsor demonstrates the objectives  
19 identified in this subdivision, the state board of education  
20 shall renew the school's charter.

21           10. A school district may enter into a lease with a charter  
22 school for physical facilities.

23           11. A governing board or a school district employee who has  
24 control over personnel actions shall not take unlawful reprisal  
25 against another employee at the school district because the  
26 employee is directly or indirectly involved in an application to  
27 establish a charter school. A governing board or a school  
28 district employee shall not take unlawful reprisal against an



1 educational program of the school or the school district because  
2 an application to establish a charter school proposes the  
3 conversion of all or a portion of the educational program to a  
4 charter school. As used in this subsection, "unlawful reprisal"  
5 means an action that is taken by a governing board or a school  
6 district employee as a direct result of a lawful application to  
7 establish a charter school and that is adverse to another  
8 employee or an educational program.

9 12. Charter school board members shall be subject to the  
10 same liability for acts while in office as if they were regularly  
11 and duly elected members of school boards in any other public  
12 school district in this state. The governing board of a charter  
13 school may participate, to the same extent as a school board, in  
14 the Missouri public entity risk management fund in the manner  
15 provided under sections 537.700 to 537.756.

16 13. Any entity, either public or private, operating,  
17 administering, or otherwise managing a charter school shall be  
18 considered a quasi-public governmental body and subject to the  
19 provisions of sections 610.010 to 610.035.

20 14. The chief financial officer of a charter school shall  
21 maintain:

22 (1) A surety bond in an amount determined by the sponsor to  
23 be adequate based on the cash flow of the school; or

24 (2) An insurance policy issued by an insurance company  
25 licensed to do business in Missouri on all employees in the  
26 amount of five hundred thousand dollars or more that provides  
27 coverage in the event of employee theft.

28 15. The department of elementary and secondary education

1 shall calculate an annual performance report for each charter  
2 school and shall publish it in the same manner as annual  
3 performance reports are calculated and published for districts  
4 and attendance centers.

5 16. The department of elementary and secondary education  
6 shall create a committee to investigate facility access and  
7 affordability for charter schools. The committee shall be  
8 comprised of equal numbers of the charter school sector and the  
9 public school sector and shall report its findings to the general  
10 assembly by December 31, 2015.

11 160.408. 1. For purposes of this section, "high-quality  
12 local educational agency" means a charter school operating in the  
13 state of Missouri that meets the following requirements:

14 (1) Receives eighty percent or more of the total points on  
15 the annual performance report for three out of the last four  
16 school years by comparing points earned to the points possible on  
17 the annual performance report for three of the last four school  
18 years;

19 (2) Maintains a graduation rate of at least eighty percent  
20 for three of the last four school years, if the charter school  
21 provides a high school program;

22 (3) Is in material compliance with its legally binding  
23 performance contract and sections 160.400 to 160.425 and section  
24 167.349; and

25 (4) Is organizationally and fiscally viable as described in  
26 paragraph (b) of subdivision (2) of subsection 9 of section  
27 160.405.

28 2. Notwithstanding any other provision of law, high-quality

1 local educational agencies shall be provided expedited  
2 opportunities to replicate and expand into unaccredited  
3 districts; provisionally accredited districts; a metropolitan  
4 school district; an urban school district containing most or all  
5 of a city with a population greater than three hundred fifty  
6 thousand inhabitants; a school district that has most or all of  
7 its land area located in a county with a charter form of  
8 government and with more than nine hundred fifty thousand  
9 inhabitants; and a school district that has most or all of its  
10 land area located in a county with a charter form of government  
11 and with more than six hundred thousand but fewer than seven  
12 hundred thousand inhabitants, except for any district in such  
13 county that is accredited without provisions by the state board  
14 of education and that has a resident pupil enrollment of less  
15 than three thousand. Such replication and expansion shall be  
16 subject to the following:

17 (1) The school seeking to replicate or expand shall submit  
18 its proposed charter to a proposed sponsor. The charter shall  
19 include a legally binding performance contract that meets the  
20 requirements of sections 160.400 to 160.425 and section 167.349;

21 (2) The sponsor's decision to approve or deny shall be made  
22 within sixty days of the filing of the proposed charter with the  
23 proposed sponsor; and

24 (3) If a charter is approved by a sponsor, the charter  
25 application shall be filed with the state board of education with  
26 a statement of finding from the sponsor that the application  
27 meets the requirements of sections 160.400 to 160.425 and section  
28 167.349 and a monitoring plan under which the sponsor shall

1 evaluate the academic performance of students enrolled in the  
2 charter school. Such filing shall be made by January thirty-  
3 first prior to the school year in which the charter school  
4 intends to begin operations.

5 3. The term of the charter for schools operating under this  
6 section shall be five years, and the charter may be renewed for  
7 terms of up to ten years. Renewal shall be subject to the  
8 provisions of paragraphs (a) to (d) of subdivision (3) of  
9 subsection 9 of section 160.405.

10 160.410. 1. A charter school shall enroll:

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

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

15 (3) Nonresident pupils who are residents of Missouri and  
16 have at least one parent employed by the charter school at which  
17 the nonresident pupil is seeking enrollment unless the pupil's  
18 enrollment will cause a resident student to be denied enrollment;

19 (4) Nonresident pupils from the same or an adjoining county  
20 who were enrolled in and attended an unaccredited school for at  
21 least one semester immediately prior to requesting the transfer  
22 and who were unable to transfer to an accredited school within  
23 their district of residence as provided in section 167.826,  
24 provided the school is an approved charter school, as defined in  
25 section 167.848, and subject to all other provisions of section  
26 167.826;

27 (5) In the case of a charter school whose mission includes  
28 student drop-out prevention or recovery, any nonresident pupil

1 from the same or an adjacent county who resides in a residential  
2 care facility, a transitional living group home, or an  
3 independent living program whose last school of enrollment is in  
4 the school district where the charter school is established, who  
5 submits a timely application; and

6 [(4)] (6) In the case of a workplace charter school, any  
7 student eligible to attend under subdivision (1) or (2) of this  
8 subsection whose parent is employed in the business district, who  
9 submits a timely application, unless the number of applications  
10 exceeds the capacity of a program, class, grade level or  
11 building. The configuration of a business district shall be set  
12 forth in the charter and shall not be construed to create an  
13 undue advantage for a single employer or small number of  
14 employers.

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

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

27 (2) A charter school may also give a preference for  
28 admission of children whose siblings attend the school, for

1 admission of children resident in the district in which it  
2 operates and [or] whose parents are employed at the school, or,  
3 in the case of a workplace charter school, for admission of a  
4 child whose parent is employed in the business district or at the  
5 business site of such school; and

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

11 3. A charter school shall not limit admission based on  
12 race, ethnicity, national origin, disability, income level,  
13 proficiency in the English language or athletic ability, but may  
14 limit admission to pupils within a given age group or grade  
15 level. Charter schools may limit admission based on gender only  
16 when the school is a single-gender school. Students of a charter  
17 school [that are present for the January membership count as  
18 defined in section 163.011] who have been enrolled for a full  
19 academic year shall be counted in the performance of the charter  
20 school on the statewide assessments in that calendar year, unless  
21 otherwise exempted as English language learners. For purposes of  
22 this subsection, "full academic year" means the last Wednesday in  
23 September through the administration of the Missouri assessment  
24 program test without transferring out of the school and re-  
25 enrolling.

26 4. The department of elementary and secondary education  
27 shall commission a study of the performance of students at each  
28 charter school in comparison with an equivalent group of district

1 students representing an equivalent demographic and geographic  
2 population and a study of the impact of charter schools upon the  
3 constituents they serve in the districts in which they are  
4 located, to be conducted by the joint committee on education.  
5 The charter school study shall include analysis of the  
6 administrative and instructional practices of each charter school  
7 and shall include findings on innovative programs that illustrate  
8 best practices and lend themselves to replication or  
9 incorporation in other schools. The joint committee on education  
10 shall coordinate with individuals representing charter schools  
11 and the districts in which charter schools are located in  
12 conducting the study. The study of a charter school's student  
13 performance in relation to a comparable group shall be designed  
14 to provide information that would allow parents and educators to  
15 make valid comparisons of academic performance between the  
16 charter school's students and an equivalent group of district  
17 students representing an equivalent demographic and geographic  
18 population. The student performance assessment and comparison  
19 shall include, but may not be limited to:

20 (1) Missouri assessment program test performance and  
21 aggregate growth over several years;

22 (2) Student reenrollment rates;

23 (3) Educator, parent, and student satisfaction data;

24 (4) Graduation rates in secondary programs; and

25 (5) Performance of students enrolled in the same public  
26 school for three or more consecutive years. The impact study  
27 shall be undertaken every two years to determine the impact of  
28 charter schools on the constituents they serve in the districts

1 where charter schools are operated. The impact study shall  
2 include, but is not limited to, determining if changes have been  
3 made in district policy or procedures attributable to the charter  
4 school and to perceived changes in attitudes and expectations on  
5 the part of district personnel, school board members, parents,  
6 students, the business community and other education  
7 stakeholders. The department of elementary and secondary  
8 education shall make the results of the studies public and shall  
9 deliver copies to the governing boards of the charter schools,  
10 the sponsors of the charter schools, the school board and  
11 superintendent of the districts in which the charter schools are  
12 operated.

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

17 (1) The school's charter;

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

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

22 (4) If a charter school is operated by a management  
23 company, a copy of the written contract between the governing  
24 board of the charter school and the educational management  
25 organization or the charter management organization for services.  
26 The charter school may charge reasonable fees, not to exceed the  
27 rate specified in section 610.026 for furnishing copies of  
28 documents under this subsection.



1           6. When a student attending a charter school who is a  
2 resident of the school district in which the charter school is  
3 located moves out of the boundaries of such school district, the  
4 student may complete the current semester and shall be considered  
5 a resident student. The student's parent or legal guardian shall  
6 be responsible for the student's transportation to and from the  
7 charter school.

8           7. If a change in school district boundary lines occurs  
9 under section 162.223, 162.431, 162.441, or 162.451, or by action  
10 of the state board of education under section 162.081, including  
11 attachment of a school district's territory to another district  
12 or dissolution, such that a student attending a charter school  
13 prior to such change no longer resides in a school district in  
14 which the charter school is located, then the student may  
15 complete the current academic year at the charter school. The  
16 student shall be considered a resident student. The student's  
17 parent or legal guardian shall be responsible for the student's  
18 transportation to and from the charter school.

19           8. The provisions of sections 167.018 and 167.019  
20 concerning foster children's educational rights are applicable to  
21 charter schools.

22           160.415. 1. For the purposes of calculation and  
23 distribution of state school aid under section 163.031, pupils  
24 enrolled in a charter school shall be included in the pupil  
25 enrollment of the school district within which each pupil  
26 resides. Each charter school shall report the names, addresses,  
27 and eligibility for free and reduced price lunch, special  
28 education, or limited English proficiency status, as well as

1 eligibility for categorical aid, of pupils resident in a school  
2 district who are enrolled in the charter school to the school  
3 district in which those pupils reside. The charter school shall  
4 report the average daily attendance data, free and reduced price  
5 lunch count, special education pupil count, and limited English  
6 proficiency pupil count to the state department of elementary and  
7 secondary education. Each charter school shall promptly notify  
8 the state department of elementary and secondary education and  
9 the pupil's school district when a student discontinues  
10 enrollment at a charter school.

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

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

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

27 (3) If the department overpays or underpays the amount due  
28 to the charter school, such overpayment or underpayment shall be

1 repaid by the public charter school or credited to the public  
2 charter school in twelve equal payments in the next fiscal year.

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

5 (5) A school district shall pay the amounts due pursuant to  
6 this subsection as the disbursal agent and no later than twenty  
7 days following the receipt of any such funds. The department of  
8 elementary and secondary education shall pay the amounts due when  
9 it acts as the disbursal agent within five days of the required  
10 due date.

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

17 4. A charter school that has declared itself as a local  
18 educational agency shall receive from the department of  
19 elementary and secondary education an annual amount equal to the  
20 product of the charter school's weighted average daily attendance  
21 and the state adequacy target, multiplied by the dollar value  
22 modifier for the district, plus local tax revenues per weighted  
23 average daily attendance from the incidental and teachers funds  
24 in excess of the performance levy as defined in section 163.011  
25 plus all other state aid attributable to such pupils. If a  
26 charter school declares itself as a local [education] educational  
27 agency, the department of elementary and secondary education  
28 shall, upon notice of the declaration, reduce the payment made to

1 the school district by the amount specified in this subsection  
2 and pay directly to the charter school the annual amount reduced  
3 from the school district's payment.

4 5. If a school district fails to make timely payments of  
5 any amount for which it is the disbursal agent, the state  
6 department of elementary and secondary education shall authorize  
7 payment to the charter school of the amount due pursuant to  
8 subsection 2 of this section and shall deduct the same amount  
9 from the next state school aid apportionment to the owing school  
10 district. If a charter school is paid more or less than the  
11 amounts due pursuant to this section, the amount of overpayment  
12 or underpayment shall be adjusted equally in the next twelve  
13 payments by the school district or the department of elementary  
14 and secondary education, as appropriate. Any dispute between the  
15 school district and a charter school as to the amount owing to  
16 the charter school shall be resolved by the department of  
17 elementary and secondary education, and the department's decision  
18 shall be the final administrative action for the purposes of  
19 review pursuant to chapter 536. During the period of dispute,  
20 the department of elementary and secondary education shall make  
21 every administrative and statutory effort to allow the continued  
22 education of children in their current public charter school  
23 setting.

24 6. For purposes of calculation and distribution of state  
25 school aid to charter schools under this section, a charter  
26 school's weighted average daily attendance shall include any  
27 nonresident pupil who is a resident of Missouri, who attends the  
28 charter school, and whose parent is employed at the charter

1 school.

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

12 [7.] 8. In the case of a proposed charter school that  
13 intends to contract with an education service provider for  
14 substantial educational services[, ] or management services, the  
15 request for proposals shall additionally require the charter  
16 school applicant to:

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

22 (2) Provide a term sheet setting forth the proposed  
23 duration of the service contract; roles and responsibilities of  
24 the governing board, the school staff, and the service provider;  
25 scope of services and resources to be provided by the service  
26 provider; performance evaluation measures and time lines;  
27 compensation structure, including clear identification of all  
28 fees to be paid to the service provider; methods of contract

1 oversight and enforcement; investment disclosure; and conditions  
2 for renewal and termination of the contract;

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

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

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

12 (6) Provide a process to ensure that the expenditures that  
13 the [educational] education service provider intends to bill to  
14 the charter school shall receive prior approval of the governing  
15 board or its designee.

16 [8.] 9. A charter school may enter into contracts with  
17 community partnerships and state agencies acting in collaboration  
18 with such partnerships that provide services to children and  
19 their families linked to the school.

20 [9.] 10. A charter school shall be eligible for  
21 transportation state aid pursuant to section 163.161 and shall be  
22 free to contract with the local district, or any other entity,  
23 for the provision of transportation to the students of the  
24 charter school.

25 [10.] 11. (1) The proportionate share of state and  
26 federal resources generated by students with disabilities or  
27 staff serving them shall be paid in full to charter schools  
28 enrolling those students by their school district where such

1 enrollment is through a contract for services described in this  
2 section. The proportionate share of money generated under other  
3 federal or state categorical aid programs shall be directed to  
4 charter schools serving such students eligible for that aid.

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

9 [11.] 12. A charter school may not charge tuition[, nor  
10 may it] or impose fees that a school district is prohibited from  
11 charging or imposing except that a charter school may receive  
12 tuition payments from districts in the same or an adjoining  
13 county for nonresident students who transfer to a charter school  
14 from an unaccredited school under section 167.826.

15 [12.] 13. A charter school is authorized to incur debt in  
16 anticipation of receipt of funds. A charter school may also  
17 borrow to finance facilities and other capital items. A school  
18 district may incur bonded indebtedness or take other measures to  
19 provide for physical facilities and other capital items for  
20 charter schools that it sponsors or contracts with. Except as  
21 otherwise specifically provided in sections 160.400 to 160.425,  
22 upon the dissolution of a charter school, any liabilities of the  
23 corporation will be satisfied through the procedures of chapter  
24 355. The department of elementary and secondary education may  
25 withhold funding at a level the department determines to be  
26 adequate during a school's last year of operation until the  
27 department determines that school records, liabilities, and  
28 reporting requirements, including a full audit, are satisfied.

1           [13.] 14. Charter schools shall not have the power to  
2 acquire property by eminent domain.

3           [14.] 15. The governing body of a charter school is  
4 authorized to accept grants, gifts or donations of any kind and  
5 to expend or use such grants, gifts or donations. A grant, gift  
6 or donation may not be accepted by the governing body if it is  
7 subject to any condition contrary to law applicable to the  
8 charter school or other public schools, or contrary to the terms  
9 of the charter.

10           160.417. 1. By October 1, 2012, and by each October first  
11 thereafter, the sponsor of each charter school shall review the  
12 information submitted on the report required by section 162.821  
13 to identify charter schools experiencing financial stress. The  
14 department of elementary and secondary education shall be  
15 authorized to obtain such additional information from a charter  
16 school as may be necessary to determine the financial condition  
17 of the charter school. Annually, a listing of charter schools  
18 identified as experiencing financial stress according to the  
19 provisions of this section shall be provided to the governor,  
20 speaker of the house of representatives, and president pro  
21 tempore of the senate by the department of elementary and  
22 secondary education.

23           2. For the purposes of this section, a charter school shall  
24 be identified as experiencing financial stress if it:

25           (1) At the end of its most recently completed fiscal year:

26           (a) Has a negative balance in its operating funds; or

27           (b) Has a combined balance of less than three percent of  
28 the amount expended from such funds during the previous fiscal



1 year; or

2 (2) For the most recently completed fiscal year  
3 expenditures, exceeded receipts for any of its funds because of  
4 recurring costs.

5 3. The sponsor shall notify by November first the governing  
6 board of the charter school identified as experiencing financial  
7 stress. Upon receiving the notification, the governing board  
8 shall develop, or cause to have developed, and shall approve a  
9 budget and education plan on forms provided by the sponsor. The  
10 budget and education plan shall be submitted to the sponsor,  
11 signed by the officers of the charter school, within forty-five  
12 calendar days of notification that the charter school has been  
13 identified as experiencing financial stress. Minimally, the  
14 budget and education plan shall:

15 (1) Give assurances that adequate educational services to  
16 students of the charter school shall continue uninterrupted for  
17 the remainder of the current school year and that the charter  
18 school can provide the minimum [number of school days and hours]  
19 amount of school time required by section 160.041;

20 (2) Outline a procedure to be followed by the charter  
21 school to report to charter school patrons about the financial  
22 condition of the charter school; and

23 (3) Detail the expenditure reduction measures, revenue  
24 increases, or other actions to be taken by the charter school to  
25 address its condition of financial stress.

26 4. Upon receipt and following review of any budget and  
27 education plan, the sponsor may make suggestions to improve the  
28 plan. Nothing in sections 160.400 to 160.425 or section 167.349

1 shall exempt a charter school from submitting a budget and  
2 education plan to the sponsor according to the provisions of this  
3 section following each such notification that a charter school  
4 has been identified as experiencing financial stress, except that  
5 the sponsor may permit a charter school's governing board to make  
6 amendments to or update a budget and education plan previously  
7 submitted to the sponsor.

8 5. The department may withhold any payment of financial aid  
9 otherwise due to the charter school until such time as the  
10 sponsor and the charter school have fully complied with this  
11 section.

12 160.425. 1. The "Missouri Charter Public School  
13 Commission" is hereby created with the authority to sponsor [high  
14 quality] high-quality charter schools throughout the state of  
15 Missouri as specified in section 160.400.

16 2. The commission shall consist of nine members appointed  
17 by the governor, by and with the advice and consent of the  
18 senate. No more than five of the members shall be of the same  
19 political party. No more than two members shall be from the same  
20 congressional district. The term of office of each member shall  
21 be four years, except those of the members first appointed, of  
22 which three shall be appointed for a term of one year, two for a  
23 term of two years, two for a term of three years, and two for a  
24 term of four years. At the expiration of the term of each  
25 member, the governor, by and with the advice and consent of the  
26 senate, shall appoint a successor.

27 3. The appointees to the commission shall be selected as  
28 follows:

1           (1) One member selected by the governor from a slate of  
2 three recommended by the commissioner of education;

3           (2) One member selected by the governor from a slate of  
4 three recommended by the commissioner of higher education;

5           (3) One member selected by the governor from a slate of  
6 three recommended by the president pro tempore of the senate;

7           (4) One member selected by the governor from a slate of  
8 three recommended by the speaker of the house of representatives;  
9 and

10          (5) Five additional members appointed by the governor, one  
11 of whom shall be selected from a slate of three nominees  
12 recommended by the Missouri School Boards Association.

13          4. Members appointed to the commission shall collectively  
14 possess strong experience and expertise in governance, management  
15 and finance, school leadership, assessment, curriculum and  
16 instruction, and education law. All members of the commission  
17 shall have demonstrated understanding of and commitment to  
18 charter schooling as a strategy for strengthening public  
19 education.

20          5. The commission shall annually elect a chairperson and  
21 vice chairperson, who shall act as chairperson in his or her  
22 absence. The commission shall meet at the call of the  
23 chairperson. The chairperson may call meetings at such times as  
24 he or she deems advisable and shall call a meeting when requested  
25 to do so by three or more members of the commission. Members of  
26 the commission are not eligible to receive compensation.

27          6. The commission may approve proposed charters for its  
28 sponsorship under sections 160.400 to 160.425 and shall:

1 (1) Comply with all of the requirements applicable to  
2 sponsors under sections 160.400 to 160.425;

3 (2) Exercise sponsorship over charters approved by the  
4 commission under sections 160.400 to 160.425, including receipt  
5 of sponsorship funding under subsection 11 of section 160.400.

6 7. Charter schools sponsored by the commission shall comply  
7 with all of the requirements applicable to charter schools under  
8 sections 160.400 to 160.425.

9 8. The commission shall conduct its business in accordance  
10 with chapter 610.

11 9. The department of elementary and secondary education  
12 shall provide start-up funding for the commission to operate.  
13 The commission shall reimburse the department's costs from any  
14 funds it receives as sponsor under section 160.400.

15 10. The commission is authorized to receive and expend  
16 gifts, grants, and donations of any kind from any public or  
17 private entity to carry out the purposes of sections 160.400 to  
18 160.425, subject to the terms and conditions under which they are  
19 given, provided that all such terms and conditions are  
20 permissible under law.

21 11. The commission may employ staff including, but not  
22 limited to, an executive director as needed to carry out its  
23 duties. The commission may establish personnel, payroll,  
24 benefit, and other such systems as needed and may provide death  
25 and disability benefits. Commission employees shall be  
26 considered state employees for the purposes of membership in the  
27 Missouri state employees' retirement system and the Missouri  
28 consolidated health care plan. Compensation paid by the

1 commission shall constitute pay from a state department for  
2 purposes of accruing benefits under the Missouri state employees'  
3 retirement system.

4 12. There is hereby created in the state treasury the  
5 "Missouri Charter Public School Commission Revolving Fund", which  
6 shall consist of money collected under this section. The state  
7 treasurer shall be custodian of the fund. In accordance with  
8 sections 30.170 and 30.180, the state treasurer may approve  
9 disbursements. The fund shall be a dedicated fund, and moneys in  
10 the fund shall be used solely by the Missouri charter public  
11 school commission for purposes of sections 160.400 to 160.425 and  
12 section 167.349. Notwithstanding the provisions of section  
13 33.080 to the contrary, any moneys remaining in the fund at the  
14 end of the biennium shall not revert to the credit of the general  
15 revenue fund. The state treasurer shall invest moneys in the  
16 fund in the same manner as other funds are invested. Any  
17 interest and moneys earned on such investments shall be credited  
18 to the fund.

19 161.084. When classifying the public schools of the state  
20 under section 161.092, if there is no state board of education  
21 member who is a resident of the congressional district in which  
22 such school district under consideration is located, the state  
23 board of education shall assign such school district a  
24 classification designation of unaccredited or change a district's  
25 classification designation from accredited to provisionally  
26 accredited only after notifying the governor of its intent to  
27 change the classification of the district. The governor shall  
28 make the appointment under section 161.052 within thirty days of

1 notification.

2 161.087. 1. When assigning classification designations to  
3 school districts pursuant to its authority to classify the public  
4 schools of the state under section 161.092, the state board of  
5 education shall use only the following classification  
6 designations:

7 (1) Unaccredited;

8 (2) Provisionally accredited;

9 (3) Accredited; and

10 (4) Accredited with distinction.

11 2. The state board of education shall develop and implement  
12 a process to provide assistance teams to borderline districts, as  
13 defined in section 167.848, as determined by the department of  
14 elementary and secondary education and to underperforming  
15 districts, as defined in section 167.848, upon assignment of a  
16 classification designation of unaccredited or provisionally  
17 accredited or determination made by the state board of education.  
18 The composition and size of the team may vary, based on academic,  
19 demographic, and financial circumstances of the district, but in  
20 no case will the team have fewer than ten members, two of whom  
21 shall be active classroom teachers in the district, two of whom  
22 shall be principals, and one of whom shall be a parent of a  
23 student in the district. The department staff member assigned to  
24 the region in which the district is located may be included in  
25 the assistance team's activities but shall not be formally  
26 assigned to the team. The team shall provide recommendations for  
27 improvement based on the needs of the community and the district  
28 and analysis of, at a minimum, the assessment data, classroom

1 practices, and communication processes within attendance centers,  
2 within the district, and with the larger community. Separate  
3 teams may be used to provide analysis and recommendations at the  
4 discretion of the state board. Beginning with school year  
5 2015-16, the team shall provide its recommendations no later than  
6 June 30, 2016, for underperforming districts and borderline  
7 districts. The state board shall prioritize the assignment of  
8 teams so that the districts with the lower annual performance  
9 report scores are addressed first. The assistance team's  
10 suggestions for improvement shall be mandatory for  
11 underperforming districts but shall not be mandatory for  
12 borderline districts. If an underperforming district disagrees  
13 with any suggestion of the assistance team, the district shall  
14 propose a different method of accomplishing the goal of the  
15 assistance team's suggestion and the state board of education  
16 shall be the final arbiter of the matter.

17 161.238. 1. Notwithstanding any provision of chapter 536  
18 and subdivisions (9) and (14) of section 161.092 to the contrary,  
19 the state board of education shall adopt a policy to classify  
20 individual attendance centers. Attendance centers that do not  
21 offer classes above the second grade level are exempt from  
22 classification under this subsection. The policy shall require  
23 that an attendance center's classification be based solely on a  
24 three-year average of the attendance center's annual performance  
25 report scores using the three most recent years. The state board  
26 shall assign a classification consistent with such three-year  
27 average score. The state board shall implement such policy and:

28 (1) Within forty-five days of the effective date of this

1 section, for each district that is classified as unaccredited by  
2 the state board of education at that time, classify each of the  
3 unaccredited district's attendance centers separately from the  
4 district as a whole using the classification designations  
5 provided in section 161.087;

6 (2) Within ninety days of the effective date of this  
7 section, for each district that is classified as provisionally  
8 accredited by the state board of education at that time, classify  
9 each of the provisionally accredited district's attendance  
10 centers separately from the district as a whole using the  
11 classification designations provided in section 161.087; and

12 (3) By January 1, 2016, for each urban school district,  
13 each metropolitan school district, each school district that has  
14 most or all of its land area located in a county with a charter  
15 form of government and with more than six hundred thousand but  
16 fewer than seven hundred thousand inhabitants, and each district  
17 that has most or all of its land area located in a county with a  
18 charter form of government and with more than nine hundred fifty  
19 thousand inhabitants, classify each of the district's attendance  
20 centers separately from the district as a whole using the  
21 classification designations provided in section 161.087.

22 2. The classifications assigned by the state board under  
23 subsection 1 of this section shall become effective immediately  
24 and shall remain in effect until the state board develops,  
25 adopts, and implements the system of classification described in  
26 subsection 3 of this section. At such time, the state board  
27 shall classify attendance centers based on the system of  
28 classification described in subsection 3 of this section.



1           3. By January 1, 2016, the state board of education shall,  
2 through administrative rule, develop a system of classification  
3 that accredits attendance centers within a district separately  
4 from the district as a whole using the classification  
5 designations provided in section 161.087. The state board of  
6 education's system shall not assign classification designations  
7 to attendance centers that do not offer classes above the second  
8 grade level. When the state board adopts its system, it shall  
9 assign a classification designation to each attendance center,  
10 except for those attendance centers that do not offer classes  
11 above the second grade level. The state board of education may  
12 assign classification numbers outside the range of numbers  
13 assigned to high schools, middle schools, junior high schools, or  
14 elementary schools as classification designations for attendance  
15 centers that are exempt from the accreditation classification  
16 system. Public separate special education schools within a  
17 special school district and within a school district are exempted  
18 from the accreditation requirements of this section and section  
19 161.087. While not applicable for the purpose of accreditation,  
20 a special school district shall continue to report all scores on  
21 its annual performance report to the department of elementary and  
22 secondary education for all its schools. Juvenile detention  
23 centers within a special school district are also exempted from  
24 the accreditation standards of this section and section 161.087.

25           4. Upon adoption of the classification system described in  
26 subsection 3 of this section, the state board may change any  
27 classification it has assigned to an attendance center under  
28 subsection 1 of this section.

1           5. An attendance center that does not offer classes above  
2 the second grade level shall be exempt from any requirements  
3 related to statewide assessments.

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

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

21           161.1000. 1. There is hereby established within the  
22 department of elementary and secondary education a task force, to  
23 be known as the "School Transfer and Improvement Task Force",  
24 which shall be composed of eleven members.

25           2. The task force is hereby created to study the following:

26           (1) Means to address failing schools including, but not  
27 limited to, the creation of a school improvement district;

28           (2) Options for school transfer finance formulas;

1           (3) Best practices for how to design and finance public  
2 virtual and blended schools;

3           (4) Best practices and possible pilot projects to assist  
4 transient students;

5           (5) Options for comprehensive school quality indicators  
6 leading to student success;

7           (6) Options for school quality review models based on  
8 successful review models currently in use;

9           (7) Options for locally created assessment and  
10 accountability systems; and

11           (8) Best practices in parent and community engagement.

12           3. The task force shall consist of the following members:

13           (1) Three members of the senate, appointed by the president  
14 pro tempore of the senate, of whom not more than two shall be of  
15 the same party;

16           (2) One member from an education policy research  
17 organization in Missouri, appointed by the president pro tempore  
18 of the senate;

19           (3) Three members of the house of representatives,  
20 appointed by the speaker, of whom not more than two shall be of  
21 the same party;

22           (4) One member from a statewide business association,  
23 appointed by the speaker of the house of representatives;

24           (5) The commissioner of education or his or her designee;

25           (6) One member from an education organization consisting  
26 exclusively of elected officials, appointed by the commissioner  
27 of education; and

28           (7) The lieutenant governor or his or her designee.

1           4. The first meeting of the task force shall be called by  
2 the president pro tempore of the senate. The task force shall  
3 elect a presiding officer by a majority vote of the membership of  
4 the task force. Subsequent meetings of the task force shall be  
5 at the call of the presiding officer.

6           5. The task force shall make recommendations regarding the  
7 provisions of subsection 2 of this section. In making those  
8 recommendations, the task force shall receive reports and  
9 testimony from individuals, state and local agencies, experts,  
10 and other public and private organizations.

11           6. The task force's recommendations may include proposals  
12 for specific statutory changes.

13           7. The members shall receive no compensation for their  
14 services on the task force but shall be reimbursed for ordinary  
15 and necessary expenses incurred in the performance of their  
16 duties.

17           8. By February 1, 2016, the task force shall report its  
18 findings and recommendations to the general assembly.

19           9. The provisions of this section shall expire on April 30,  
20 2016.

21           161.1005. 1. By July 1, 2016, the department shall employ  
22 a dyslexia therapist, licensed psychometrist, licensed speech-  
23 language pathologist, certified academic language therapist, or  
24 certified training specialist to serve as the department's  
25 dyslexia specialist. Such dyslexia specialist shall have a  
26 minimum of three years of field experience in screening,  
27 identifying, and treating dyslexia and related disorders.

28           2. The department shall ensure that the dyslexia specialist

1 has completed training and received certification from a program  
2 approved by the legislative task force on dyslexia and is able to  
3 provide necessary information and support to school district  
4 teachers.

5 3. The dyslexia specialist shall:

6 (1) Be highly trained in dyslexia and related disorders,  
7 including best practice interventions and treatment models;

8 (2) Be responsible for the implementation of professional  
9 development; and

10 (3) Serve as the primary source of information and support  
11 for districts addressing the needs of students with dyslexia and  
12 related disorders.

13 4. In addition to the duties assigned under subsection 3 of  
14 this section, the dyslexia specialist shall also assist the  
15 department with developing and administering professional  
16 development programs to be made available to school districts no  
17 later than the 2016-17 school year. The programs shall focus on  
18 educating teachers regarding the indicators of dyslexia, the  
19 science surrounding teaching a student who is dyslexic, and  
20 classroom accommodations necessary for a student with dyslexia.

21 162.081. 1. Whenever any school district in this state  
22 fails or refuses in any school year to provide for the minimum  
23 school term required by section 163.021 or is classified  
24 unaccredited, the state board of education shall, upon a  
25 district's initial classification or reclassification as  
26 unaccredited:

27 (1) Review the governance of the district to establish the  
28 conditions under which the existing school board shall continue

1 to govern; or

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

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

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

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

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

28 (a) Appoint a special administrative board for the

1 operation of all or part of the district. If a special  
2 administrative board is appointed for the operation of a part of  
3 a school district, the state board of education shall determine  
4 an equitable apportionment of state and federal aid for the part  
5 of the district, and the school district shall provide local  
6 revenue in proportion to the weighted average daily attendance of  
7 the part. The number of members of the special administrative  
8 board shall not be less than five, the majority of whom shall be  
9 residents of the district. The members of the special  
10 administrative board shall reflect the population characteristics  
11 of the district and shall collectively possess strong experience  
12 in school governance, management and finance, and leadership.  
13 The state board of education may appoint members of the  
14 district's elected school board to the special administrative  
15 board, but members of the elected school board shall not comprise  
16 more than forty-nine percent of the special administrative  
17 board's membership. Within fourteen days after the appointment  
18 by the state board of education, the special administrative board  
19 shall organize by the election of a president, vice president,  
20 secretary and a treasurer, with their duties and organization as  
21 enumerated in section 162.301. The special administrative board  
22 shall appoint a superintendent of schools to serve as the chief  
23 executive officer of the school district, or a subset of schools,  
24 and to have all powers and duties of any other general  
25 superintendent of schools in a seven-director school district.  
26 Nothing in this section shall be construed to permit either the  
27 state board of education or a special administrative board to  
28 raise, in any way not specifically allowed by law, the tax levy

1 of the district or any part of the district without a vote of the  
2 people. Any special administrative board appointed under this  
3 section shall be responsible for the operation of the district or  
4 part of the district until such time that the district is  
5 classified by the state board of education as provisionally  
6 accredited for at least two successive academic years, after  
7 which time the state board of education may provide for a  
8 transition pursuant to section 162.083; or

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

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

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

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

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

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

28 (d) Establish one or more school districts within the



1 territory of the lapsed district, with a governance structure  
2 specified by the state board of education, with the option of  
3 permitting a district to remain intact for the purposes of  
4 assessing, collecting, and distributing property taxes, to be  
5 distributed equitably on a weighted average daily attendance  
6 basis, but to be divided for operational purposes, which shall  
7 take effect sixty days after the adjournment of the regular  
8 session of the general assembly next following the state board's  
9 decision unless a statute or concurrent resolution is enacted to  
10 nullify the state board's decision prior to such effective date.

11 4. If a district remains under continued governance by the  
12 school board under subdivision (1) of subsection 3 of this  
13 section and either has been unaccredited for three consecutive  
14 school years and failed to attain accredited status after the  
15 third school year or has been unaccredited for two consecutive  
16 school years and the state board of education determines its  
17 academic progress is not consistent with attaining accredited  
18 status after the third school year, then the state board of  
19 education shall proceed under subdivision (2) of subsection 3 of  
20 this section in the following school year.

21 5. A special administrative board or any other form of  
22 governance appointed under this section shall retain the  
23 authority granted to a board of education for the operation of  
24 the lapsed school district under the laws of the state in effect  
25 at the time of the lapse and may enter into contracts with  
26 accredited school districts or other education service providers  
27 in order to deliver high-quality educational programs to the  
28 residents of the district. If a student graduates while

1 attending a school building in the district that is operated  
2 under a contract with an accredited school district as specified  
3 under this subsection, the student shall receive his or her  
4 diploma from the accredited school district. The authority of  
5 the special administrative board or any other form of governance  
6 appointed under this section shall expire at the end of the third  
7 full school year following its appointment, unless extended by  
8 the state board of education. If the lapsed district is  
9 reassigned, the [special administrative board] governing board  
10 prior to lapse shall provide an accounting of all funds, assets  
11 and liabilities of the lapsed district and transfer such funds,  
12 assets, and liabilities of the lapsed district as determined by  
13 the state board of education. Neither the special administrative  
14 board nor any other form of governance appointed under this  
15 section nor its members or employees shall be deemed to be the  
16 state or a state agency for any purpose, including section  
17 105.711, et seq. The state of Missouri, its agencies and  
18 employees shall be absolutely immune from liability for any and  
19 all acts or omissions relating to or in any way involving the  
20 lapsed district, [the] a special administrative board, any other  
21 form of governance appointed under this section, [its] or the  
22 members or employees of the lapsed district, a special  
23 administrative board, or any other form of governance appointed  
24 under this section. Such immunities, and immunity doctrines as  
25 exist or may hereafter exist benefitting boards of education,  
26 their members and their employees, shall be available to the  
27 special administrative board, any other form of governance  
28 appointed under this section, [its] and the members and employees

1 of the special administrative board or any other form of  
2 governance appointed under this section.

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

9 7. If additional teachers are needed by a district as a  
10 result of increased enrollment due to the annexation of territory  
11 of a lapsed or dissolved district, such district shall grant an  
12 employment interview to any permanent teacher of the lapsed or  
13 dissolved district upon the request of such permanent teacher.

14 8. In the event that a school district with an enrollment  
15 in excess of five thousand pupils lapses, no school district  
16 shall have all or any part of such lapsed school district  
17 attached without the approval of the board of the receiving  
18 school district.

19 9. If the state board of education reasonably believes that  
20 a school district is unlikely to provide for the minimum number  
21 of school hours required in a school term required by section  
22 163.021 because of financial difficulty, the state board of  
23 education may, prior to the start of the school term:

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

27 (2) Lapse the corporate organization of the district and  
28 implement one of the options available under subdivision (2) of

1 subsection 3 of this section.

2 10. The provisions of subsection 9 of this section shall  
3 not apply to any district solely on the basis of financial  
4 difficulty resulting from paying tuition and providing  
5 transportation for transfer students under sections 167.825 to  
6 167.827.

7 162.1250. 1. School districts shall receive state school  
8 funding under sections 163.031, 163.043, and 163.087 for resident  
9 students who are enrolled in the school district and who are  
10 taking a virtual course or full-time virtual program offered by  
11 the school district. The school district may offer instruction  
12 in a virtual setting using technology, intranet, and internet  
13 methods of communications that could take place outside of the  
14 regular school district facility. The school district may  
15 develop a virtual program for any grade level, kindergarten  
16 through twelfth grade, with the courses available in accordance  
17 with district policy to any resident student of the district who  
18 is enrolled in the school district. Nothing in this section  
19 shall preclude a private, parochial, or home school student  
20 residing within a school district offering virtual courses or  
21 virtual programs from enrolling in the school district in  
22 accordance with the combined enrollment provisions of section  
23 167.031 for the purposes of participating in the virtual courses  
24 or virtual programs.

25 2. Charter schools shall receive state school funding under  
26 section 160.415 for students enrolled in the charter school who  
27 are completing a virtual course or full-time virtual program  
28 offered by the charter school. Charter schools may offer

1 instruction in a virtual setting using technology, intranet, and  
2 internet methods of communications. The charter school may  
3 develop a virtual program for any grade level, kindergarten  
4 through twelfth grade, with the courses available in accordance  
5 with school policy and the charter school's charter to any  
6 student enrolled in the charter school.

7 3. For purposes of calculation and distribution of state  
8 school funding, attendance of a student enrolled in a district or  
9 charter school virtual class shall equal, upon course completion,  
10 ninety-four percent of the hours of attendance possible for such  
11 class delivered in the nonvirtual program in the student's  
12 resident district or charter school. In the case of a student  
13 who is a candidate for A+ tuition reimbursement and taking a  
14 virtual course under this section, the school shall not attribute  
15 ninety-four percent attendance to such student for such course,  
16 but shall attribute no less than ninety-five percent attendance  
17 to any such student who has completed such virtual course.

18 Course completion shall be calculated in two increments, fifty  
19 percent completion and one hundred percent completion, based on  
20 the student's completion of defined assignments and assessments,  
21 with distribution of state funding to a school district or  
22 charter school at each increment equal to forty-seven percent of  
23 hours of attendance possible for such course delivered in the  
24 nonvirtual program in a student's school district of residence or  
25 charter school.

26 4. When courses are purchased from an outside vendor, the  
27 district or charter school shall ensure that they are aligned  
28 with the show-me curriculum standards and comply with state

1 requirements for teacher certification. The state board of  
2 education reserves the right to request information and materials  
3 sufficient to evaluate the online course. Online classes should  
4 be considered like any other class offered by the school district  
5 or charter school.

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

- 10 (1) The virtual course or virtual program utilizes  
11 appropriate content-specific tools and software;
- 12 (2) Orientation training is available for teachers,  
13 instructors, and students as needed;
- 14 (3) Privacy policies are stated and made available to  
15 teachers, instructors, and students;
- 16 (4) Academic integrity and internet etiquette expectations  
17 regarding lesson activities, discussions, electronic  
18 communications, and plagiarism are stated to teachers,  
19 instructors, and students prior to the beginning of the virtual  
20 course or virtual program;
- 21 (5) Computer system requirements, including hardware, web  
22 browser, and software, are specified to participants;
- 23 (6) The virtual course or virtual program architecture,  
24 software, and hardware permit the online teacher or instructor to  
25 add content, activities, and assessments to extend learning  
26 opportunities;
- 27 (7) The virtual course or virtual program makes resources  
28 available by alternative means, including but not limited to,

1 video and podcasts;

2 (8) Resources and notes are available for teachers and  
3 instructors in addition to assessment and assignment answers and  
4 explanations;

5 (9) Technical support and course management are available  
6 to the virtual course or virtual program teacher and school  
7 coordinator;

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

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

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

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

23 7. A school district or charter school may contract with  
24 multiple providers of virtual courses or virtual programs,  
25 provided they meet the criteria for virtual courses or virtual  
26 programs under this section.

27 8. A parent or guardian may enroll his or her child in a  
28 virtual school of his or her choice if the child is enrolled in

1 and has attended, for at least one semester immediately prior to  
2 enrolling in the virtual school, any of the following:

3 (1) An unaccredited school in any district in this state;

4 (2) An attendance center in an unaccredited district;

5 (3) An attendance center in a provisionally accredited  
6 district;

7 (4) An attendance center in a district that has most or all  
8 of its land area located in a county with a charter form of  
9 government and with more than six hundred thousand but fewer than  
10 seven hundred thousand inhabitants;

11 (5) An attendance center in a district that has most or all  
12 of its land area located in a county with a charter form of  
13 government and with more than nine hundred fifty thousand  
14 inhabitants; or

15 (6) An attendance center in a metropolitan district.

16  
17 If the child is eligible to begin kindergarten or first grade at  
18 any school described in subdivisions (1) to (6) of this  
19 subsection, the requirement that the child be enrolled in and  
20 have attended, for at least one semester immediately prior to  
21 enrolling in the virtual school, any of such schools does not  
22 apply.

23 9. For purposes of subsection 8 of this section, a parent  
24 may enroll a child only in a virtual school that meets the  
25 requirements described in subdivisions (1) to (12) of subsection  
26 5 of this section. Courses in such virtual school shall be  
27 aligned with the show-me curriculum standards and comply with  
28 state requirements for teacher certification. The state board of



1 education shall reserve the right to request information and  
2 materials sufficient to evaluate any online course. These online  
3 courses shall be considered like any other courses offered by a  
4 school district or charter school. The student's district of  
5 residence shall pay tuition for any such student who enrolls in a  
6 virtual school under subsection 8 of this section. The tuition  
7 amount shall not exceed the state adequacy target, as defined in  
8 section 163.011. For purposes of this subsection, beginning on  
9 July 1, 2016, the state adequacy target amount used shall be as  
10 calculated under subsection 8 of section 163.031 for the  
11 applicable fiscal year.

12 10. If an unaccredited school becomes classified as  
13 provisionally accredited or accredited without provisions by the  
14 state board of education or if an unaccredited or provisionally  
15 accredited district becomes classified as accredited without  
16 provisions by the state board of education, any student who has  
17 enrolled in a virtual school described in subsection 8 of this  
18 section shall be permitted to continue his or her educational  
19 program in the virtual school through the completion of high  
20 school.

21 11. Unaccredited schools, unaccredited districts, and  
22 provisionally accredited districts shall be responsible for  
23 notifying students and parents and guardians of the virtual  
24 school options described in this section. The decision to enroll  
25 in such virtual school coursework shall be solely at the  
26 discretion of the student and his or her parent or guardian.  
27 School districts and schools shall not use the availability of a  
28 virtual school to prevent a student from transferring to another

1 school under section 167.826.

2 162.1303. 1. For purposes of this section, "transient  
3 student" means any student who withdraws from one attendance  
4 center and enrolls in any other attendance center two or more  
5 times within two school years.

6 2. The department of elementary and secondary education  
7 shall annually calculate a transient student ratio for each  
8 attendance center, each charter school, and each local  
9 educational agency. The department shall annually calculate a  
10 transient student ratio for each school district based on the  
11 transient student ratios of all the attendance centers in such  
12 district. The department shall publish the transient student  
13 ratio of each district, each attendance center, each charter  
14 school, and each local educational agency on its website.

15 3. The department shall include, or cause to be included,  
16 in each district's school accountability report card the  
17 transient student ratio of the district and of each attendance  
18 center operated by the district.

19 4. The department shall include the transient student  
20 ratios of attendance centers, charter schools, and local  
21 educational agencies in their respective school accountability  
22 report cards.

23 5. The department shall publish the state's aggregate  
24 transient student ratio on its website.

25 6. A transient student ratio shall be calculated as the  
26 product of:

27 (1) One hundred; and

28 (2) The quotient of:

1       (a) The sum of the number of transient students and the  
2 number of students who withdrew from the district during the  
3 school year; and

4       (b) The sum of the number of students who enrolled in the  
5 district on or before the last Wednesday in September and the  
6 number of students who enrolled in the district after the last  
7 Wednesday of September.

8       7. Each school district, charter school, and local  
9 educational agency shall annually report to the department, by a  
10 date established by the department, any information and data  
11 required to comply with and perform the calculation required by  
12 the provisions of this section.

13       162.1305. 1. For purposes of this section, "transient  
14 student" means any student who withdraws from one attendance  
15 center and enrolls in any other attendance center two or more  
16 times within two school years.

17       2. In the first year of attendance in a district or charter  
18 school, a transient student's score on a statewide assessment  
19 shall not be included when calculating the status or progress  
20 scores on the district's or charter school's annual performance  
21 report scores. A transient student's growth score shall be  
22 weighted at one hundred percent.

23       3. In the second year of attendance, a transient student's  
24 score on a statewide assessment shall be weighted at thirty  
25 percent when calculating the district's or charter school's  
26 performance for purposes of the district's or charter school's  
27 annual performance report status or progress score, with the  
28 transient student's growth score weighted at one hundred percent.

1       4. In the third year of attendance, a transient student's  
2 score on a statewide assessment shall be weighted at seventy  
3 percent when calculating the district's or charter school's  
4 performance for purposes of the district's or charter school's  
5 annual performance report status or progress score, with the  
6 transient student's growth score weighted at one hundred percent.

7       5. In the fourth year of attendance and any subsequent  
8 years of attendance, a transient student's score on a statewide  
9 assessment shall be weighted at one hundred percent when  
10 calculating the district's or charter school's performance for  
11 purposes of the district's or charter school's annual performance  
12 report status or progress score, with the transient student's  
13 growth score weighted at one hundred percent.

14       162.1310. If the state board of education classifies any  
15 district or attendance center as unaccredited, the district shall  
16 notify the parent or guardian of any student enrolled in the  
17 unaccredited district or unaccredited attendance center of the  
18 loss of accreditation within seven business days. The district  
19 shall also notify district taxpayers of the loss of accreditation  
20 within seven business days. The district's notice shall include  
21 an explanation of which students may be eligible to transfer, the  
22 transfer process under sections 167.825 to 167.827, and any  
23 services students may be entitled to receive. The district's  
24 notice shall be written in a clear, concise, and easy-to-  
25 understand manner. The district shall post the notice in a  
26 conspicuous and accessible place in each district attendance  
27 center. The district shall also send the notice to each  
28 municipality located within the boundaries of the district.

1           162.1313. The school board of any district that operates an  
2 underperforming school, as defined in section 167.848, shall  
3 adopt a policy regarding the availability of home visits by  
4 school personnel. Pursuant to such policy, the school may offer  
5 the parent or guardian of a student enrolled in any such school  
6 the opportunity to have one or more annual home visits. If the  
7 school decides to offer one or more annual home visits, the  
8 school shall offer an opportunity for each visit to occur at the  
9 attendance center or at a mutually agreeable site.

10           163.011. As used in this chapter unless the context  
11 requires otherwise:

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

16           (2) "Average daily attendance", the quotient or the sum of  
17 the quotients obtained by dividing the total number of hours  
18 attended in a term by resident pupils between the ages of five  
19 and twenty-one by the actual number of hours school was in  
20 session in that term. To the average daily attendance of the  
21 following school term shall be added the full-time equivalent  
22 average daily attendance of summer school students. "Full-time  
23 equivalent average daily attendance of summer school students"  
24 shall be computed by dividing the total number of hours, except  
25 for physical education hours that do not count as credit toward  
26 graduation for students in grades nine, ten, eleven, and twelve,  
27 attended by all summer school pupils by the number of hours  
28 required in section 160.011 in the school term. For purposes of

1 determining average daily attendance under this subdivision, the  
2 term "resident pupil" shall include all children between the ages  
3 of five and twenty-one who are residents of the school district  
4 and who are attending kindergarten through grade twelve in such  
5 district. If a child is attending school in a district other  
6 than the district of residence and the child's parent is teaching  
7 in the school district or is a regular employee of the school  
8 district which the child is attending, then such child shall be  
9 considered a resident pupil of the school district which the  
10 child is attending for such period of time when the district of  
11 residence is not otherwise liable for tuition. Average daily  
12 attendance for students below the age of five years for which a  
13 school district may receive state aid based on such attendance  
14 shall be computed as regular school term attendance unless  
15 otherwise provided by law;

16 (3) "Current operating expenditures":

17 (a) For the fiscal year 2007 calculation, "current  
18 operating expenditures" shall be calculated using data from  
19 fiscal year 2004 and shall be calculated as all expenditures for  
20 instruction and support services except capital outlay and debt  
21 service expenditures minus the revenue from federal categorical  
22 sources; food service; student activities; categorical payments  
23 for transportation costs pursuant to section 163.161; state  
24 reimbursements for early childhood special education; the career  
25 ladder entitlement for the district, as provided for in sections  
26 168.500 to 168.515; the vocational education entitlement for the  
27 district, as provided for in section 167.332; and payments from  
28 other districts;

1 (b) In every fiscal year subsequent to fiscal year 2007,  
2 current operating expenditures shall be the amount in paragraph  
3 (a) of this subdivision plus any increases in state funding  
4 pursuant to sections 163.031 and 163.043 subsequent to fiscal  
5 year 2005, not to exceed five percent, per recalculation, of the  
6 state revenue received by a district in the 2004-05 school year  
7 from the foundation formula, line 14, gifted, remedial reading,  
8 exceptional pupil aid, fair share, and free textbook payments for  
9 any district from the first preceding calculation of the state  
10 adequacy target. Beginning on July 1, 2010, current operating  
11 expenditures shall be the amount in paragraph (a) of this  
12 subdivision plus any increases in state funding pursuant to  
13 sections 163.031 and 163.043 subsequent to fiscal year 2005  
14 received by a district in the 2004-05 school year from the  
15 foundation formula, line 14, gifted, remedial reading,  
16 exceptional pupil aid, fair share, and free textbook payments for  
17 any district from the first preceding calculation of the state  
18 adequacy target; provided that, when used to recalculate the  
19 state adequacy target as provided in subdivision (18) of this  
20 section, any increase in state funding attributable to an  
21 individual district shall be limited to two hundred percent of  
22 the aggregate percentage increase in state funding for all of the  
23 performance districts used in the same recalculation;

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

28 (5) "Dollar-value modifier", an index of the relative

1 purchasing power of a dollar, calculated as one plus fifteen  
2 percent of the difference of the regional wage ratio minus one,  
3 provided that the dollar value modifier shall not be applied at a  
4 rate less than 1.0:

5 (a) "County wage per job", the total county wage and salary  
6 disbursements divided by the total county wage and salary  
7 employment for each county and the City of St. Louis as reported  
8 by the Bureau of Economic Analysis of the United States  
9 Department of Commerce for the fourth year preceding the payment  
10 year;

11 (b) "Regional wage per job":

12 a. The total Missouri wage and salary disbursements of the  
13 metropolitan area as defined by the Office of Management and  
14 Budget divided by the total Missouri metropolitan wage and salary  
15 employment for the metropolitan area for the county signified in  
16 the school district number or the City of St. Louis, as reported  
17 by the Bureau of Economic Analysis of the United States  
18 Department of Commerce for the fourth year preceding the payment  
19 year and recalculated upon every decennial census to incorporate  
20 counties that are newly added to the description of metropolitan  
21 areas; or if no such metropolitan area is established, then:

22 b. The total Missouri wage and salary disbursements of the  
23 micropolitan area as defined by the Office of Management and  
24 Budget divided by the total Missouri micropolitan wage and salary  
25 employment for the micropolitan area for the county signified in  
26 the school district number, as reported by the Bureau of Economic  
27 Analysis of the United States Department of Commerce for the  
28 fourth year preceding the payment year, if a micropolitan area



1 for such county has been established and recalculated upon every  
2 decennial census to incorporate counties that are newly added to  
3 the description of micropolitan areas; or

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

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

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

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

27 (7) "Free and reduced price lunch threshold" shall be  
28 calculated by dividing the total free and reduced price lunch

1 pupil count of every performance district that falls entirely  
2 above the bottom five percent and entirely below the top five  
3 percent of average daily attendance, when such districts are  
4 rank-ordered based on their current operating expenditures per  
5 average daily attendance, by the total average daily attendance  
6 of all included performance districts;

7 (8) "Limited English proficiency pupil count", the number  
8 in the preceding school year of pupils aged three through  
9 twenty-one enrolled or preparing to enroll in an elementary  
10 school or secondary school who were not born in the United States  
11 or whose native language is a language other than English or are  
12 Native American or Alaskan native, or a native resident of the  
13 outlying areas, and come from an environment where a language  
14 other than English has had a significant impact on such  
15 individuals' level of English language proficiency, or are  
16 migratory, whose native language is a language other than  
17 English, and who come from an environment where a language other  
18 than English is dominant; and have difficulties in speaking,  
19 reading, writing, or understanding the English language  
20 sufficient to deny such individuals the ability to meet the  
21 state's proficient level of achievement on state assessments  
22 described in Public Law 107-10, the ability to achieve  
23 successfully in classrooms where the language of instruction is  
24 English, or the opportunity to participate fully in society;

25 (9) "Limited English proficiency threshold" shall be  
26 calculated by dividing the total limited English proficiency  
27 pupil count of every performance district that falls entirely  
28 above the bottom five percent and entirely below the top five

1 percent of average daily attendance, when such districts are  
2 rank-ordered based on their current operating expenditures per  
3 average daily attendance, by the total average daily attendance  
4 of all included performance districts;

5 (10) "Local effort":

6 (a) For the fiscal year 2007 calculation, "local effort"  
7 shall be computed as the equalized assessed valuation of the  
8 property of a school district in calendar year 2004 divided by  
9 one hundred and multiplied by the performance levy less the  
10 percentage retained by the county assessor and collector plus one  
11 hundred percent of the amount received in fiscal year 2005 for  
12 school purposes from intangible taxes, fines, escheats, payments  
13 in lieu of taxes and receipts from state-assessed railroad and  
14 utility tax, one hundred percent of the amount received for  
15 school purposes pursuant to the merchants' and manufacturers'  
16 taxes under sections 150.010 to 150.370, one hundred percent of  
17 the amounts received for school purposes from federal properties  
18 under sections 12.070 and 12.080 except when such amounts are  
19 used in the calculation of federal impact aid pursuant to P.L.  
20 81-874, fifty percent of Proposition C revenues received for  
21 school purposes from the school district trust fund under section  
22 163.087, and one hundred percent of any local earnings or income  
23 taxes received by the district for school purposes. Under this  
24 paragraph, for a special district established under sections  
25 162.815 to 162.940 in a county with a charter form of government  
26 and with more than one million inhabitants, a tax levy of zero  
27 shall be utilized in lieu of the performance levy for the special  
28 school district;

1           (b) In every year subsequent to fiscal year 2007, "local  
2 effort" shall be the amount calculated under paragraph (a) of  
3 this subdivision plus any increase in the amount received for  
4 school purposes from fines. If a district's assessed valuation  
5 has decreased subsequent to the calculation outlined in paragraph  
6 (a) of this subdivision, the district's local effort shall be  
7 calculated using the district's current assessed valuation in  
8 lieu of the assessed valuation utilized in the calculation  
9 outlined in paragraph (a) of this subdivision. When a change in  
10 a school district's boundary lines occurs because of a boundary  
11 line change, annexation, attachment, consolidation,  
12 reorganization, or dissolution under section 162.071, 162.081,  
13 sections 162.171 to 162.201, section 162.221, 162.223, 162.431,  
14 162.441, or 162.451, or in the event that a school district  
15 assumes any territory from a district that ceases to exist for  
16 any reason, the department of elementary and secondary education  
17 shall make a proper adjustment to each affected district's local  
18 effort, so that each district's local effort figure conforms to  
19 the new boundary lines of the district. The department shall  
20 compute the local effort figure by applying the calendar year  
21 2004 assessed valuation data to the new land areas resulting from  
22 the boundary line change, annexation, attachment, consolidation,  
23 reorganization, or dissolution and otherwise follow the  
24 procedures described in this subdivision;

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

26           (a) The number of resident full-time students and the  
27 full-time equivalent number of part-time students who were  
28 enrolled in the public schools of the district on the last

1 Wednesday in September of the previous year and who were in  
2 attendance one day or more during the preceding ten school days;  
3 and

4 (b) The number of resident full-time students and the  
5 full-time equivalent number of part-time students who were  
6 enrolled in the public schools of the district on the last  
7 Wednesday in January of the previous year and who were in  
8 attendance one day or more during the preceding ten school days,  
9 plus the full-time equivalent number of summer school pupils.

10 "Full-time equivalent number of part-time students" is determined  
11 by dividing the total number of hours for which all part-time  
12 students are enrolled by the number of hours in the school term.

13 "Full-time equivalent number of summer school pupils" is  
14 determined by dividing the total number of hours for which all  
15 summer school pupils were enrolled by the number of hours  
16 required pursuant to section 160.011 in the school term. Only  
17 students eligible to be counted for average daily attendance  
18 shall be counted for membership;

19 (12) "Operating levy for school purposes", the sum of tax  
20 rates levied for teachers' and incidental funds plus the  
21 operating levy or sales tax equivalent pursuant to section  
22 162.1100 of any transitional school district containing the  
23 school district, in the payment year, not including any equalized  
24 operating levy for school purposes levied by a special school  
25 district in which the district is located;

26 (13) "Performance district", any district that has met  
27 performance standards and indicators as established by the  
28 department of elementary and secondary education for purposes of

1 accreditation under section 161.092 and as reported on the final  
2 annual performance report for that district each year; for  
3 calculations to be utilized for payments in fiscal years  
4 subsequent to fiscal year 2018, the number of performance  
5 districts shall not exceed twenty-five percent of all public  
6 school districts;

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

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

11 (16) "Special education pupil count", the number of public  
12 school students with a current individualized education program  
13 or services plan and receiving services from the resident  
14 district as of December first of the preceding school year,  
15 except for special education services provided through a school  
16 district established under sections 162.815 to 162.940 in a  
17 county with a charter form of government and with more than one  
18 million inhabitants, in which case the sum of the students in  
19 each district within the county exceeding the special education  
20 threshold of each respective district within the county shall be  
21 counted within the special district and not in the district of  
22 residence for purposes of distributing the state aid derived from  
23 the special education pupil count;

24 (17) "Special education threshold" shall be calculated by  
25 dividing the total special education pupil count of every  
26 performance district that falls entirely above the bottom five  
27 percent and entirely below the top five percent of average daily  
28 attendance, when such districts are rank-ordered based on their

1 current operating expenditures per average daily attendance, by  
2 the total average daily attendance of all included performance  
3 districts;

4 (18) "State adequacy target", the sum of the current  
5 operating expenditures of every performance district that falls  
6 entirely above the bottom five percent and entirely below the top  
7 five percent of average daily attendance, when such districts are  
8 rank-ordered based on their current operating expenditures per  
9 average daily attendance, divided by the total average daily  
10 attendance of all included performance districts. The department  
11 of elementary and secondary education shall first calculate the  
12 state adequacy target for fiscal year 2007 and recalculate the  
13 state adequacy target every two years using the most current  
14 available data. The recalculation shall never result in a  
15 decrease from the previous state adequacy target amount. Should  
16 a recalculation result in an increase in the state adequacy  
17 target amount, fifty percent of that increase shall be included  
18 in the state adequacy target amount in the year of recalculation,  
19 and fifty percent of that increase shall be included in the state  
20 adequacy target amount in the subsequent year. The state  
21 adequacy target may be adjusted to accommodate available  
22 appropriations as provided in subsection 8 of section 163.031;

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

1 governing the certification of teachers in Missouri;

2 (20) "Weighted average daily attendance", the average daily  
3 attendance plus the product of twenty-five hundredths multiplied  
4 by the free and reduced price lunch pupil count that exceeds the  
5 free and reduced price lunch threshold, plus the product of  
6 seventy-five hundredths multiplied by the number of special  
7 education pupil count that exceeds the special education  
8 threshold, plus the product of six-tenths multiplied by the  
9 number of limited English proficiency pupil count that exceeds  
10 the limited English proficiency threshold. For special districts  
11 established under sections 162.815 to 162.940 in a county with a  
12 charter form of government and with more than one million  
13 inhabitants, weighted average daily attendance shall be the  
14 average daily attendance plus the product of twenty-five  
15 hundredths multiplied by the free and reduced price lunch pupil  
16 count that exceeds the free and reduced price lunch threshold,  
17 plus the product of seventy-five hundredths multiplied by the sum  
18 of the special education pupil count that exceeds the threshold  
19 for each county district, plus the product of six-tenths  
20 multiplied by the limited English proficiency pupil count that  
21 exceeds the limited English proficiency threshold. None of the  
22 districts comprising a special district established under  
23 sections 162.815 to 162.940 in a county with a charter form of  
24 government and with more than one million inhabitants, shall use  
25 any special education pupil count in calculating their weighted  
26 average daily attendance.

27 163.018. 1. Notwithstanding the definition of average  
28 daily attendance in subdivision (2) of section 163.011 to the



1 contrary, pupils between the ages of three and five who are  
2 eligible for free and reduced price lunch and attend an early  
3 childhood education program that is operated by and in a district  
4 or by a charter school that has declared itself as a local  
5 educational agency providing full-day kindergarten and that meets  
6 standards established by the state board of education shall be  
7 included in the district's or charter school's calculation of  
8 average daily attendance. The total number of such pupils  
9 included in the district's or charter school's calculation of  
10 average daily attendance shall not exceed four percent of the  
11 total number of pupils who are eligible for free and reduced  
12 price lunch between the ages of [three] five and eighteen who are  
13 included in the district's or charter school's calculation of  
14 average daily attendance.

15 2. (1) For any district that has been declared  
16 unaccredited by the state board of education and remains  
17 unaccredited as of July 1, 2015, and for any charter school  
18 located in said district, the provisions of subsection 1 of this  
19 section shall become applicable during the 2015-16 school year.

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

25 (3) For any district that has been declared provisionally  
26 accredited by the state board of education and remains  
27 provisionally accredited as of July 1, 2016, and for any charter  
28 school located in said district, the provisions of subsection 1

1 of this section shall become applicable beginning in the 2016-17  
2 school year.

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

9 (5) For all other districts and charter schools, the  
10 provisions of subsection 1 of this section shall become effective  
11 in any school year subsequent to a school year in which the  
12 amount appropriated for subsections 1 and 2 of section 163.031 is  
13 equal to or exceeds the amount necessary to fund the entire  
14 entitlement calculation determined by subsections 1 and 2 of  
15 section 163.031, and shall remain effective in all school years  
16 thereafter, irrespective of the amount appropriated for  
17 subsections 1 and 2 of section 163.031 in any succeeding year.

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

22 163.031. 1. The department of elementary and secondary  
23 education shall calculate and distribute to each school district  
24 qualified to receive state aid under section 163.021 an amount  
25 determined by multiplying the district's weighted average daily  
26 attendance by the state adequacy target, multiplying this product  
27 by the dollar value modifier for the district, and subtracting  
28 from this product the district's local effort and, in years not

1 governed under subsection 4 of this section, subtracting payments  
2 from the classroom trust fund under section 163.043.

3 2. Other provisions of law to the contrary notwithstanding:

4 (1) For districts with an average daily attendance of more  
5 than three hundred fifty in the school year preceding the payment  
6 year:

7 (a) For the 2006-07 school year, the state revenue per  
8 weighted average daily attendance received by a district from the  
9 state aid calculation under subsections 1 and 4 of this section,  
10 as applicable, and the classroom trust fund under section 163.043  
11 shall not be less than the state revenue received by a district  
12 in the 2005-06 school year from the foundation formula, line 14,  
13 gifted, remedial reading, exceptional pupil aid, fair share, and  
14 free textbook payment amounts multiplied by the sum of one plus  
15 the product of one-third multiplied by the remainder of the  
16 dollar value modifier minus one, and dividing this product by the  
17 weighted average daily attendance computed for the 2005-06 school  
18 year;

19 (b) For the 2007-08 school year, the state revenue per  
20 weighted average daily attendance received by a district from the  
21 state aid calculation under subsections 1 and 4 of this section,  
22 as applicable, and the classroom trust fund under section 163.043  
23 shall not be less than the state revenue received by a district  
24 in the 2005-06 school year from the foundation formula, line 14,  
25 gifted, remedial reading, exceptional pupil aid, fair share, and  
26 free textbook payment amounts multiplied by the sum of one plus  
27 the product of two-thirds multiplied by the remainder of the  
28 dollar value modifier minus one, and dividing this product by the

1 weighted average daily attendance computed for the 2005-06 school  
2 year;

3 (c) For the 2008-09 school year, the state revenue per  
4 weighted average daily attendance received by a district from the  
5 state aid calculation under subsections 1 and 4 of this section,  
6 as applicable, and the classroom trust fund under section 163.043  
7 shall not be less than the state revenue received by a district  
8 in the 2005-06 school year from the foundation formula, line 14,  
9 gifted, remedial reading, exceptional pupil aid, fair share, and  
10 free textbook payment amounts multiplied by the dollar value  
11 modifier, and dividing this product by the weighted average daily  
12 attendance computed for the 2005-06 school year;

13 (d) For each year subsequent to the 2008-09 school year,  
14 the amount shall be no less than that computed in paragraph (c)  
15 of this subdivision, multiplied by the weighted average daily  
16 attendance pursuant to section 163.036, less any increase in  
17 revenue received from the classroom trust fund under section  
18 163.043;

19 (2) For districts with an average daily attendance of three  
20 hundred fifty or less in the school year preceding the payment  
21 year:

22 (a) For the 2006-07 school year, the state revenue received  
23 by a district from the state aid calculation under subsections 1  
24 and 4 of this section, as applicable, and the classroom trust  
25 fund under section 163.043 shall not be less than the greater of  
26 state revenue received by a district in the 2004-05 or 2005-06  
27 school year from the foundation formula, line 14, gifted,  
28 remedial reading, exceptional pupil aid, fair share, and free

1 textbook payment amounts multiplied by the sum of one plus the  
2 product of one-third multiplied by the remainder of the dollar  
3 value modifier minus one;

4 (b) For the 2007-08 school year, the state revenue received  
5 by a district from the state aid calculation under subsections 1  
6 and 4 of this section, as applicable, and the classroom trust  
7 fund under section 163.043 shall not be less than the greater of  
8 state revenue received by a district in the 2004-05 or 2005-06  
9 school year from the foundation formula, line 14, gifted,  
10 remedial reading, exceptional pupil aid, fair share, and free  
11 textbook payment amounts multiplied by the sum of one plus the  
12 product of two-thirds multiplied by the remainder of the dollar  
13 value modifier minus one;

14 (c) For the 2008-09 school year, the state revenue received  
15 by a district from the state aid calculation under subsections 1  
16 and 4 of this section, as applicable, and the classroom trust  
17 fund under section 163.043 shall not be less than the greater of  
18 state revenue received by a district in the 2004-05 or 2005-06  
19 school year from the foundation formula, line 14, gifted,  
20 remedial reading, exceptional pupil aid, fair share, and free  
21 textbook payment amounts multiplied by the dollar value modifier;

22 (d) For each year subsequent to the 2008-09 school year,  
23 the amount shall be no less than that computed in paragraph (c)  
24 of this subdivision;

25 (3) The department of elementary and secondary education  
26 shall make an addition in the payment amount specified in  
27 subsection 1 of this section to assure compliance with the  
28 provisions contained in this subsection.

1           3. School districts that meet the requirements of section  
2 163.021 shall receive categorical add-on revenue as provided in  
3 this subsection. The categorical add-on for the district shall  
4 be the sum of: seventy-five percent of the district allowable  
5 transportation costs under section 163.161; the career ladder  
6 entitlement for the district, as provided for in sections 168.500  
7 to 168.515; the vocational education entitlement for the  
8 district, as provided for in section 167.332; and the district  
9 educational and screening program entitlements as provided for in  
10 sections 178.691 to 178.699. The categorical add-on revenue  
11 amounts may be adjusted to accommodate available appropriations.

12           4. In the 2006-07 school year and each school year  
13 thereafter for five years, those districts entitled to receive  
14 state aid under the provisions of subsection 1 of this section  
15 shall receive state aid in an amount as provided in this  
16 subsection.

17           (1) For the 2006-07 school year, the amount shall be  
18 fifteen percent of the amount of state aid calculated for the  
19 district for the 2006-07 school year under the provisions of  
20 subsection 1 of this section, plus eighty-five percent of the  
21 total amount of state revenue received by the district for the  
22 2005-06 school year from the foundation formula, line 14, gifted,  
23 remedial reading, exceptional pupil aid, fair share, and free  
24 textbook payments less any amounts received under section  
25 163.043.

26           (2) For the 2007-08 school year, the amount shall be thirty  
27 percent of the amount of state aid calculated for the district  
28 for the 2007-08 school year under the provisions of subsection 1

1 of this section, plus seventy percent of the total amount of  
2 state revenue received by the district for the 2005-06 school  
3 year from the foundation formula, line 14, gifted, remedial  
4 reading, exceptional pupil aid, fair share, and free textbook  
5 payments less any amounts received under section 163.043.

6 (3) For the 2008-09 school year, the amount of state aid  
7 shall be forty-four percent of the amount of state aid calculated  
8 for the district for the 2008-09 school year under the provisions  
9 of subsection 1 of this section plus fifty-six percent of the  
10 total amount of state revenue received by the district for the  
11 2005-06 school year from the foundation formula, line 14, gifted,  
12 remedial reading, exceptional pupil aid, fair share, and free  
13 textbook payments less any amounts received under section  
14 163.043.

15 (4) For the 2009-10 school year, the amount of state aid  
16 shall be fifty-eight percent of the amount of state aid  
17 calculated for the district for the 2009-10 school year under the  
18 provisions of subsection 1 of this section plus forty-two percent  
19 of the total amount of state revenue received by the district for  
20 the 2005-06 school year from the foundation formula, line 14,  
21 gifted, remedial reading, exceptional pupil aid, fair share, and  
22 free textbook payments less any amounts received under section  
23 163.043.

24 (5) For the 2010-11 school year, the amount of state aid  
25 shall be seventy-two percent of the amount of state aid  
26 calculated for the district for the 2010-11 school year under the  
27 provisions of subsection 1 of this section plus twenty-eight  
28 percent of the total amount of state revenue received by the

1 district for the 2005-06 school year from the foundation formula,  
2 line 14, gifted, remedial reading, exceptional pupil aid, fair  
3 share, and free textbook payments less any amounts received under  
4 section 163.043.

5 (6) For the 2011-12 school year, the amount of state aid  
6 shall be eighty-six percent of the amount of state aid calculated  
7 for the district for the 2011-12 school year under the provisions  
8 of subsection 1 of this section plus fourteen percent of the  
9 total amount of state revenue received by the district for the  
10 2005-06 school year from the foundation formula, line 14, gifted,  
11 remedial reading, exceptional pupil aid, fair share, and free  
12 textbook payments less any amounts received under section  
13 163.043.

14 (7) (a) a. For the 2006-07 school year, if a school  
15 district experiences a decrease in summer school average daily  
16 attendance of more than twenty percent from the district's  
17 2005-06 summer school average daily attendance, an amount equal  
18 to the product of the percent reduction that is in excess of  
19 twenty percent of the district's summer school average daily  
20 attendance multiplied by the funds generated by the district's  
21 summer school program in the 2005-06 school year shall be  
22 subtracted from the district's current year payment amount.

23 b. For the 2007-08 school year, if a school district  
24 experiences a decrease in summer school average daily attendance  
25 of more than thirty percent from the district's 2005-06 summer  
26 school average daily attendance, an amount equal to the product  
27 of the percent reduction that is in excess of thirty percent of  
28 the district's summer school average daily attendance multiplied



1 by the funds generated by the district's summer school program in  
2 the 2005-06 school year shall be subtracted from the district's  
3 payment amount.

4 c. For the 2008-09 school year, if a school district  
5 experiences a decrease in summer school average daily attendance  
6 of more than thirty-five percent from the district's 2005-06  
7 summer school average daily attendance, an amount equal to the  
8 product of the percent reduction that is in excess of thirty-five  
9 percent of the district's summer school average daily attendance  
10 multiplied by the funds generated by the district's summer school  
11 program in the 2005-06 school year shall be subtracted from the  
12 district's payment amount.

13 d. Notwithstanding the provisions of this paragraph, no  
14 such reduction shall be made in the case of a district that is  
15 receiving a payment under section 163.044 or any district whose  
16 regular school term average daily attendance for the preceding  
17 year was three hundred fifty or less.

18 e. This paragraph shall not be construed to permit any  
19 reduction applied under this paragraph to result in any district  
20 receiving a current-year payment that is less than the amount  
21 calculated for such district under subsection 2 of this section.

22 (b) If a school district experiences a decrease in its  
23 gifted program enrollment of more than twenty percent from its  
24 2005-06 gifted program enrollment in any year governed by this  
25 subsection, an amount equal to the product of the percent  
26 reduction in the district's gifted program enrollment multiplied  
27 by the funds generated by the district's gifted program in the  
28 2005-06 school year shall be subtracted from the district's

1 current year payment amount.

2 5. For any school district meeting the eligibility criteria  
3 for state aid as established in section 163.021, but which is  
4 considered an option district under section 163.042 and therefore  
5 receives no state aid, the commissioner of education shall  
6 present a plan to the superintendent of the school district for  
7 the waiver of rules and the duration of said waivers, in order to  
8 promote flexibility in the operations of the district and to  
9 enhance and encourage efficiency in the delivery of instructional  
10 services as provided in section 163.042.

11 6. (1) No less than seventy-five percent of the state  
12 revenue received under the provisions of subsections 1, 2, and 4  
13 of this section shall be placed in the teachers' fund, and the  
14 remaining percent of such moneys shall be placed in the  
15 incidental fund. No less than seventy-five percent of one-half  
16 of the funds received from the school district trust fund  
17 distributed under section 163.087 shall be placed in the  
18 teachers' fund. One hundred percent of revenue received under  
19 the provisions of section 163.161 shall be placed in the  
20 incidental fund. One hundred percent of revenue received under  
21 the provisions of sections 168.500 to 168.515 shall be placed in  
22 the teachers' fund.

23 (2) A school district shall spend for certificated  
24 compensation and tuition expenditures each year:

25 (a) An amount equal to at least seventy-five percent of the  
26 state revenue received under the provisions of subsections 1, 2,  
27 and 4 of this section;

28 (b) An amount equal to at least seventy-five percent of

1 one-half of the funds received from the school district trust  
2 fund distributed under section 163.087 during the preceding  
3 school year; and

4 (c) Beginning in fiscal year 2008, as much as was spent per  
5 the second preceding year's weighted average daily attendance for  
6 certificated compensation and tuition expenditures the previous  
7 year from revenue produced by local and county tax sources in the  
8 teachers' fund, plus the amount of the incidental fund to  
9 teachers' fund transfer calculated to be local and county tax  
10 sources by dividing local and county tax sources in the  
11 incidental fund by total revenue in the incidental fund.

12  
13 In the event a district fails to comply with this provision, the  
14 amount by which the district fails to spend funds as provided  
15 herein shall be deducted from the district's state revenue  
16 received under the provisions of subsections 1, 2, and 4 of this  
17 section for the following year, provided that the state board of  
18 education may exempt a school district from this provision if the  
19 state board of education determines that circumstances warrant  
20 such exemption.

21 7. If a school district's annual audit discloses that  
22 students were inappropriately identified as eligible for free and  
23 reduced price lunch, special education, or limited English  
24 proficiency and the district does not resolve the audit finding,  
25 the department of elementary and secondary education shall  
26 require that the amount of aid paid pursuant to the weighting for  
27 free and reduced price lunch, special education, or limited  
28 English proficiency in the weighted average daily attendance on

1 the inappropriately identified pupils be repaid by the district  
2 in the next school year and shall additionally impose a penalty  
3 of one hundred percent of such aid paid on such pupils, which  
4 penalty shall also be paid within the next school year. Such  
5 amounts may be repaid by the district through the withholding of  
6 the amount of state aid.

7 8. Notwithstanding any provision of law to the contrary,  
8 beginning on July 1, 2016, in any fiscal year during which the  
9 total formula appropriation is insufficient to fully fund the  
10 entitlement calculation of this section, the department of  
11 elementary and secondary education shall adjust the state  
12 adequacy target in order to accommodate the appropriation level  
13 for the given fiscal year. Beginning on July 1, 2016, in no  
14 manner shall any payment modification be rendered for any  
15 district qualified to receive payments under subsection 2 of this  
16 section based on insufficient appropriations.

17 163.036. 1. In computing the amount of state aid a school  
18 district is entitled to receive for the minimum school term only  
19 under section 163.031, a school district may use an estimate of  
20 the weighted average daily attendance for the current year, or  
21 the weighted average daily attendance for the immediately  
22 preceding year or the weighted average daily attendance for the  
23 second preceding school year, whichever is greater. Beginning  
24 with the 2006-07 school year, the summer school attendance  
25 included in the average daily attendance as defined in  
26 subdivision (2) of section 163.011 shall include only the  
27 attendance hours of pupils that attend summer school in the  
28 current year. Beginning with the 2004-05 school year, when a

1 district's official calendar for the current year contributes to  
2 a more than ten percent reduction in the average daily attendance  
3 for kindergarten compared to the immediately preceding year, the  
4 payment attributable to kindergarten shall include only the  
5 current year kindergarten average daily attendance. Any error  
6 made in the apportionment of state aid because of a difference  
7 between the actual weighted average daily attendance and the  
8 estimated weighted average daily attendance shall be corrected as  
9 provided in section 163.091, except that if the amount paid to a  
10 district estimating weighted average daily attendance exceeds the  
11 amount to which the district was actually entitled by more than  
12 five percent, interest at the rate of six percent shall be  
13 charged on the excess and shall be added to the amount to be  
14 deducted from the district's apportionment the next succeeding  
15 year.

16 2. Notwithstanding the provisions of subsection 1 of this  
17 section or any other provision of law, the state board of  
18 education shall make an adjustment for the immediately preceding  
19 year for any increase in the actual weighted average daily  
20 attendance above the number on which the state aid in section  
21 163.031 was calculated. Said adjustment shall be made in the  
22 manner providing for correction of errors under subsection 1 of  
23 this section.

24 3. Any error made in the apportionment of state aid because  
25 of a difference between the actual equalized assessed valuation  
26 for the current year and the estimated equalized assessed  
27 valuation for the current year shall be corrected as provided in  
28 section 163.091, except that if the amount paid to a district

1 estimating current equalized assessed valuation exceeds the  
2 amount to which the district was actually entitled, interest at  
3 the rate of six percent shall be charged on the excess and shall  
4 be added to the amount to be deducted from the district's  
5 apportionment the next succeeding year.

6 4. For the purposes of distribution of state school aid  
7 pursuant to section 163.031, a school district with ten percent  
8 or more of its assessed valuation that is owned by one person or  
9 corporation as commercial or personal property who is delinquent  
10 in a property tax payment may elect, after receiving notice from  
11 the county clerk on or before March fifteenth that more than ten  
12 percent of its current taxes due the preceding December  
13 thirty-first by a single property owner are delinquent, to use in  
14 the local effort calculation of the state aid formula the  
15 district's equalized assessed valuation for the preceding year or  
16 the actual assessed valuation of the year for which the taxes are  
17 delinquent less the assessed valuation of property for which the  
18 current year's property tax is delinquent. To qualify for use of  
19 the actual assessed valuation of the year for which the taxes are  
20 delinquent less the assessed valuation of property for which the  
21 current year's property tax is delinquent, a district must notify  
22 the department of elementary and secondary education on or before  
23 April first, except in the year enacted, of the current year  
24 amount of delinquent taxes, the assessed valuation of such  
25 property for which delinquent taxes are owed and the total  
26 assessed valuation of the district for the year in which the  
27 taxes were due but not paid. Any district giving such notice to  
28 the department of elementary and secondary education shall

1 present verification of the accuracy of such notice obtained from  
2 the clerk of the county levying delinquent taxes. When any of  
3 the delinquent taxes identified by such notice are paid during a  
4 four-year period following the due date, the county clerk shall  
5 give notice to the district and the department of elementary and  
6 secondary education, and state aid paid to the district shall be  
7 reduced by an amount equal to the delinquent taxes received plus  
8 interest. The reduction in state aid shall occur over a period  
9 not to exceed five years and the interest rate on excess state  
10 aid not refunded shall be six percent annually.

11 5. If a district receives state aid based on equalized  
12 assessed valuation as determined by subsection 4 of this section  
13 and if prior to such notice the district was paid state aid  
14 pursuant to section 163.031, the amount of state aid paid during  
15 the year of such notice and the first year following shall equal  
16 the sum of state aid paid pursuant to section 163.031 plus the  
17 difference between the state aid amount being paid after such  
18 notice minus the amount of state aid the district would have  
19 received pursuant to section 163.031 before such notice. To be  
20 eligible to receive state aid based on this provision the  
21 district must levy during the first year following such notice at  
22 least the maximum levy permitted school districts by Article X,  
23 Section 11(b) of the Missouri Constitution and have a voluntary  
24 rollback of its tax rate which is no greater than one cent per  
25 one hundred dollars assessed valuation.

26 6. Notwithstanding the provisions of subsection 1 of this  
27 section, any district in which the local school board sponsors a  
28 charter school as provided in section 160.400 shall use only an

1 estimate of the district's weighted average daily attendance for  
2 the current year and shall not use a weighted average daily  
3 attendance count from any preceding year for purposes of  
4 determining the amount of state aid to which the district is  
5 entitled.

6 167.121. 1. If the residence of a pupil is so located that  
7 attendance in the district of residence constitutes an unusual or  
8 unreasonable transportation hardship because of natural barriers,  
9 travel time, or distance, the commissioner of education or his or  
10 her designee may assign the pupil to another district. Subject  
11 to the provisions of this section, all existing assignments shall  
12 be reviewed prior to July 1, 1984, and from time to time  
13 thereafter, and may be continued or rescinded. The board of  
14 education of the district in which the pupil lives shall pay the  
15 tuition of the pupil assigned. The tuition shall not exceed the  
16 pro rata cost of instruction.

17 2. (1) For the school year beginning July 1, 2008, and  
18 each succeeding school year, a parent or guardian residing in a  
19 lapsed public school district or a parent or guardian residing in  
20 a district that has [scored] received an annual performance  
21 report score consistent with a state board of education  
22 classification of either unaccredited or provisionally  
23 accredited[, or a combination thereof, on two consecutive annual  
24 performance reports] may enroll the parent's or guardian's child  
25 in the Missouri virtual school created in section 161.670  
26 provided the pupil first enrolls in the school district of  
27 residence. The school district of residence shall include the  
28 pupil's enrollment in the virtual school created in section



1 161.670 in determining the district's average daily attendance.  
2 Full-time enrollment in the virtual school shall constitute one  
3 average daily attendance equivalent in the school district of  
4 residence. Average daily attendance for part-time enrollment in  
5 the virtual school shall be calculated as a percentage of the  
6 total number of virtual courses enrolled in divided by the number  
7 of courses required for full-time attendance in the school  
8 district of residence.

9 (2) A pupil's residence, for purposes of this section,  
10 means residency established under section 167.020. Except for  
11 students residing in a K-8 district attending high school in a  
12 district under section 167.131, the board of the home district  
13 shall pay to the virtual school the amount required under section  
14 161.670.

15 (3) Nothing in this section shall require any school  
16 district or the state to provide computers, equipment, internet  
17 or other access, supplies, materials or funding, except as  
18 provided in this section, as may be deemed necessary for a pupil  
19 to participate in the virtual school created in section 161.670.

20 (4) Any rule or portion of a rule, as that term is defined  
21 in section 536.010, that is created under the authority delegated  
22 in this section shall become effective only if it complies with  
23 and is subject to all of the provisions of chapter 536 and, if  
24 applicable, section 536.028. This section and chapter 536 are  
25 nonseverable and if any of the powers vested with the general  
26 assembly pursuant to chapter 536 to review, to delay the  
27 effective date, or to disapprove and annul a rule are  
28 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2007,  
2 shall be invalid and void.

3 167.127. If a school district contains a facility that  
4 serves neglected or delinquent children residing in a court-  
5 ordered group home, an institution for neglected children, or an  
6 institution for delinquent children, the department of elementary  
7 and secondary education shall be prohibited from creating any  
8 report or publication related to the Missouri school improvement  
9 program, or any successor program, in which data from the  
10 district's regularly enrolled pupils is aggregated with data from  
11 the children residing in such facilities.

12 167.131. 1. The board of education of each district in  
13 this state that does not maintain [an accredited] a high school  
14 [pursuant to the authority of the state board of education to  
15 classify schools as established in section 161.092] offering work  
16 through the twelfth grade shall pay [the] tuition [of] as  
17 calculated by the receiving district under subsection 2 of this  
18 section and provide transportation consistent with the provisions  
19 of section 167.241 for each pupil resident therein who has  
20 completed the work of the highest grade offered in the schools of  
21 the district and who attends an accredited public high school in  
22 another district of the same or an adjoining county.

23 2. The rate of tuition to be charged by the district  
24 attended and paid by the sending district is the per pupil cost  
25 of maintaining the district's grade level grouping which includes  
26 the school attended. The cost of maintaining a grade level  
27 grouping shall be determined by the board of education of the  
28 district but in no case shall it exceed all amounts spent for

1 teachers' wages, incidental purposes, debt service, maintenance  
2 and replacements. The term "debt service", as used in this  
3 section, means expenditures for the retirement of bonded  
4 indebtedness and expenditures for interest on bonded  
5 indebtedness. Per pupil cost of the grade level grouping shall  
6 be determined by dividing the cost of maintaining the grade level  
7 grouping by the average daily pupil attendance. If there is  
8 disagreement as to the amount of tuition to be paid, the facts  
9 shall be submitted to the state board of education, and its  
10 decision in the matter shall be final. Subject to the  
11 limitations of this section, each pupil shall be free to attend  
12 the public school of his or her choice.

13 167.132. 1. For purposes of this section, the following  
14 terms mean:

15 (1) "Available receiving district", an accredited district  
16 able to receive transfer students under section 167.826;

17 (2) "Average per-pupil current expenditure", the average  
18 per-pupil current expenditure for a district as a whole as  
19 reported to the department of elementary and secondary education  
20 in its most recent school accountability report card under  
21 section 160.522;

22 (3) "Receiving approved charter school", an approved charter  
23 school, as defined in section 167.848, receiving transfer  
24 students under section 167.826;

25 (4) "Receiving district", a district receiving transfer  
26 students under section 167.826;

27 (5) "Sending district", a district from which students are  
28 transferring to an available receiving district or an approved

1 charter school, as allowed under section 167.826.

2 2. Notwithstanding any other provisions of law to the  
3 contrary, a receiving district or a receiving approved charter  
4 school may negotiate with a sending district to accept a reduced  
5 tuition rate for transfer students. The receiving district or  
6 receiving approved charter school may limit the number of  
7 transfer students accepted at the reduced tuition rate as  
8 calculated under subsection 3 of this section. If the receiving  
9 district or receiving approved charter school elects to accept  
10 tuition as calculated under subsection 3 of this section and does  
11 not limit the number of transfer students accepted at such  
12 reduced rate, such district or approved charter school shall  
13 receive students through the education authority based solely on  
14 the parent request and available seats.

15 3. In school year 2015-16 and subsequent years, if a  
16 sending district and a receiving district or receiving approved  
17 charter school have agreed upon a reduced tuition rate, such  
18 tuition shall be calculated as the product of:

19 (1) The sum of the average per-pupil current expenditures of  
20 all available receiving districts for the sending district  
21 divided by the number of all available receiving districts for  
22 the sending district; and

23 (2) Seventy percent.

24 4. The appropriate education authority, as defined in  
25 section 167.848, that is coordinating the transfers for students  
26 in the sending district shall perform the calculation in  
27 subsection 3 of this section annually.

28 5. If there is disagreement as to the amount of tuition to

1 be paid, the facts shall be submitted to the state board of  
2 education, and its decision in the matter shall be final.

3 6. For each of the first two full school years that a  
4 receiving district or receiving approved charter school charges a  
5 rate of tuition as calculated under subsection 3 of this section,  
6 accepts a minimum of twenty-five transfer students at such  
7 reduced rate, and does not limit the number of transfer students  
8 accepted at such reduced rate, if the aggregate scores of student  
9 growth of all the transfer students in the receiving district or  
10 receiving approved charter school meet or exceed targets  
11 established in the state accountability system, the receiving  
12 district or receiving approved charter school shall earn  
13 additional credit in academic achievement on its annual  
14 performance report. The department of elementary and secondary  
15 education shall promulgate an administrative rule to implement  
16 the provisions of this subsection. Any rule or portion of a  
17 rule, as that term is defined in section 536.010, that is created  
18 under the authority delegated in this section shall become  
19 effective only if it complies with and is subject to all of the  
20 provisions of chapter 536 and, if applicable, section 536.028.  
21 This section and chapter 536 are nonseverable, and if any of the  
22 powers vested with the general assembly pursuant to chapter 536  
23 to review, to delay the effective date, or to disapprove and  
24 annul a rule are subsequently held unconstitutional, then the  
25 grant of rulemaking authority and any rule proposed or adopted  
26 after the effective date of this section shall be invalid and  
27 void.

28 7. If a receiving district elects to accept tuition as

1 calculated under subsection 3 of this section and does not limit  
2 the number of transfer students accepted at such reduced rate,  
3 the department of elementary and secondary education shall  
4 consider such action as an additional criterion when determining  
5 whether to assign the receiving district a classification of  
6 accredited with distinction.

7 8. If a receiving district or receiving approved charter  
8 school elects to accept tuition as calculated under subsection 3  
9 of this section and does not limit the number of transfer  
10 students accepted at such reduced rate, ten percent of the amount  
11 calculated under subdivision (1) of subsection 3 of this section  
12 for the receiving district or receiving approved charter school  
13 shall be paid from the supplemental tuition fund created in  
14 subsection 9 of this section.

15 9. There is hereby created in the state treasury the  
16 "Supplemental Tuition Fund". The fund shall consist of any  
17 moneys appropriated annually by the general assembly from general  
18 revenue to such fund, any moneys paid into the state treasury and  
19 required by law to be credited to such fund and any gifts,  
20 bequests, or public or private donations to such fund. The state  
21 treasurer shall be custodian of the fund. The department of  
22 elementary and secondary education shall administer the fund. In  
23 accordance with sections 30.170 and 30.180, the state treasurer  
24 may approve disbursements. The fund shall be a dedicated fund  
25 and, upon appropriation, moneys in the fund shall be used solely  
26 for the administration of this section. Notwithstanding the  
27 provisions of section 33.080 to the contrary, any moneys  
28 remaining in the fund at the end of the biennium shall not revert

1 to the credit of the general revenue fund. The state treasurer  
2 shall invest moneys in the fund in the same manner as other funds  
3 are invested. Any interest and moneys earned on such investments  
4 shall be credited to the fund.

5 167.642. 1. No underperforming district, as defined in  
6 section 167.848, located in a county with a charter form of  
7 government and with more than nine hundred fifty thousand  
8 inhabitants shall promote a student from the fifth grade to the  
9 sixth grade or from the eighth grade to the ninth grade who is  
10 two years or more below grade level as measured by quantifiable  
11 student performance data designated by the local district to  
12 satisfy the requirements of this section. The term "quantifiable  
13 student performance data" shall be as defined in subsection 2 of  
14 section 161.096.

15 2. Notwithstanding subsection 1 of this section, the  
16 provisions of this section shall not apply to any student with an  
17 individualized education program or any student receiving  
18 services through a plan prepared under Section 504 of the  
19 Rehabilitation Act of 1973.

20 167.685. 1. Each unaccredited district shall offer free  
21 tutoring and supplemental education services to students who are  
22 performing below grade level or identified by the district as  
23 struggling, using funds from the school district improvement fund  
24 to the extent that such funds are available. A district may  
25 implement the free tutoring services requirement by entering into  
26 a contract with a public library for online tutoring services as  
27 provided in section 170.215.

28 2. There is hereby created in the state treasury the

1 "School District Improvement Fund". The fund shall consist of  
2 any gifts, bequests, or public or private donations to such fund.  
3 Any person or entity that makes a gift, bequest, or donation to  
4 the fund may specify the district that shall be the recipient of  
5 such gift, bequest, or donation.

6 3. The state treasurer shall be custodian of the fund. In  
7 accordance with sections 30.170 and 30.180, the state treasurer  
8 may approve disbursements of public moneys in accordance with  
9 distribution requirements and procedures developed by the  
10 department of elementary and secondary education and shall make  
11 disbursement of private funds according to the directions of the  
12 donor. If the donor did not specify how the private funds were  
13 to be disbursed, the state treasurer shall contact the donor to  
14 determine the manner of disbursement. The fund shall be a  
15 dedicated fund and, upon appropriation, moneys in the fund shall  
16 be used solely for the administration of this section. A  
17 district that receives moneys from the fund may use such moneys  
18 to cover the cost of online tutoring services provided through a  
19 contract with a public library under section 170.215.

20 4. Notwithstanding the provisions of section 33.080 to the  
21 contrary, any moneys remaining in the fund at the end of the  
22 biennium shall not revert to the credit of the general revenue  
23 fund.

24 5. The state treasurer shall invest moneys in the fund in  
25 the same manner as other funds are invested. Any interest and  
26 moneys earned on such investments shall be credited to the fund.

27 167.688. 1. Any underperforming district, as defined in  
28 section 167.848, may perform any or all of the following actions



1 including, but not limited to:

2 (1) Implement a new curriculum, including appropriate  
3 professional development, based on scientifically based research  
4 that offers substantial promise of improving educational  
5 achievement of low-achieving students;

6 (2) Retain an outside expert to advise the district or  
7 school on its progress toward regaining accreditation;

8 (3) Enter into a contract with an education management  
9 company or education services provider that has a demonstrated  
10 record of effectiveness operating a school or schools;

11 (4) For any unaccredited school, enter into a collaborative  
12 relationship and agreement with an accredited district in which  
13 teachers from the unaccredited school may exchange positions with  
14 teachers from an accredited school in an accredited district for  
15 a period of two school weeks; or

16 (5) Implement any other change that is suggested by the  
17 state board of education, an expert or contractor approved under  
18 this section, or an assistance team under section 161.087, in  
19 accordance with state law, that the school board has reason to  
20 believe will result in improved performance for accreditation  
21 purposes.

22 2. Any underperforming district that offers an attendance  
23 recovery program designed exclusively to allow students to  
24 recapture attendance hours lost due to absences shall be allowed  
25 to include such attendance recovery hours in the district's  
26 attendance rate for purposes of the Missouri school improvement  
27 program accreditation scoring. Districts may offer attendance  
28 recovery programs on Saturdays or at any time before or after the

1 school's regularly scheduled school hours. Extended hour and day  
2 programs designed for remediation or enrichment purposes shall  
3 not fulfill the criteria of attendance recovery programs as  
4 provided in this subsection.

5 167.730. 1. Beginning July 1, 2016, and continuing  
6 thereafter, every public school, including every charter school,  
7 in the metropolitan school district or in any urban school  
8 district containing most or all of a home rule city with more  
9 than four hundred thousand inhabitants and located in more than  
10 one county shall incorporate a response-to-intervention tiered  
11 approach to reading instruction to focus resources on students  
12 who are determined by their school to need additional or changed  
13 instruction to make progress as readers. At a minimum, the  
14 reading levels of students in kindergarten through tenth grade  
15 shall be assessed at the beginning and middle of the school year,  
16 and students who score below district benchmarks shall be  
17 provided with intensive and systematic reading instruction.

18 2. Beginning January 1, 2016, and every January first  
19 thereafter, every public school, including every charter school,  
20 in the metropolitan school district or in any urban school  
21 district containing most or all of a home rule city with more  
22 than four hundred thousand inhabitants and located in more than  
23 one county shall prepare a personalized learning plan for any  
24 kindergarten or first grade student whose most recent school-wide  
25 reading assessment result shows the student is working below  
26 grade level unless the student has been determined by other means  
27 in the current school year to be working at grade level or above.  
28 The provisions of this section shall not apply to students

1 otherwise served under an individualized education program, to  
2 students receiving services through a plan prepared under Section  
3 504 of the Rehabilitation Act of 1973 that includes an element  
4 addressing reading below grade level, or to students determined  
5 to have limited English proficiency.

6 3. For any student who is required by this section to have  
7 a personalized learning plan, the student's main teacher shall  
8 consult with the student's parent or guardian during the  
9 preparation of the plan and shall consult, as appropriate, any  
10 district personnel or department of elementary and secondary  
11 education personnel with necessary expertise to develop such a  
12 plan. The school shall require the written consent of the parent  
13 or guardian to implement the plan; however, if the school is  
14 unsuccessful in contacting the parent or guardian by January  
15 fifteenth, the school may send a letter by certified mail to the  
16 student's last known address stating its intention to implement  
17 the plan by February first.

18 4. After implementing the personalized learning plan  
19 through the end of the student's first grade year, the school  
20 shall refer any student who still performs below grade level for  
21 assessment to determine if an individualized education program is  
22 necessary for the student. A student who is assessed as not  
23 needing an individualized education program but who is reading  
24 below grade level at the end of the first grade shall continue to  
25 be required to have a personalized learning plan until the  
26 student is reading at grade level.

27 5. Notwithstanding any provision of law to the contrary,  
28 any student in a metropolitan school district, in any urban

1 school district containing most or all of a home rule city with  
2 more than four hundred thousand inhabitants and located in more  
3 than one county, or in any charter school located in any such  
4 district who is not reading at second-grade level by the end of  
5 second grade may be promoted to the third grade only under one of  
6 the following circumstances:

7 (1) The school provides additional reading instruction  
8 during the summer and demonstrates the student is ready for third  
9 grade at the end of the summer school;

10 (2) The school provides a combined classroom in which the  
11 student continues with the same teacher, sometimes referred to as  
12 "looping". If the student in such a classroom is not reading at  
13 third-grade level by the end of third grade, the student shall be  
14 retained in third grade; or

15 (3) The student's parents or guardians have signed a notice  
16 that they prefer to have their student promoted although the  
17 student is reading below grade level. The school shall have the  
18 final determination on the issue of retention.

19 6. The metropolitan school district, any urban school  
20 district containing most or all of a home rule city with more  
21 than four hundred thousand inhabitants and located in more than  
22 one county, and each charter school located in them shall provide  
23 in its annual report card under section 160.522 the numbers and  
24 percentages by grade from first grade to tenth grade in each  
25 school of any students at any grade level who have been promoted  
26 who have been determined as reading below grade level, except  
27 that no reporting shall permit the identification of an  
28 individual student.

1           7. School districts and charter schools under this section  
2 may provide for a student promotion and retention program and a  
3 reading instruction program that are equivalent to those that are  
4 described in this section with the oversight and approval of the  
5 department of elementary and secondary education.

6           167.825. 1. For school year 2015-16, students who  
7 transferred from an unaccredited district to an accredited  
8 district in the same or an adjoining county under section 167.131  
9 as it existed on July 1, 2013, shall be allowed to participate  
10 under the same terms that governed such transfers in school year  
11 2013-14, except that section 167.132 shall apply to determine the  
12 reimbursement of their tuition.

13           2. Notwithstanding the provisions of subsection 1 of this  
14 section, for school year 2015-16, any student who transferred  
15 from an unaccredited district to an accredited district in the  
16 same or an adjoining county in school year 2013-14 or school year  
17 2014-15 but did not attend a public school in the unaccredited  
18 district for the semester prior to the transfer, unless the  
19 student was entering kindergarten or first grade when he or she  
20 transferred, shall no longer be eligible to transfer under this  
21 section in school year 2015-16.

22           3. For school year 2015-16, if an unaccredited district  
23 becomes classified as provisionally accredited or accredited  
24 without provisions by the state board of education, any resident  
25 student of the unaccredited district who has transferred under  
26 section 167.131 as it existed on July 1, 2013, shall be permitted  
27 to continue the student's educational program through the  
28 completion of middle school, junior high school, or high school,

1 whichever occurs first, except that a student who attends any  
2 school serving students through high school graduation but  
3 starting at grades lower than ninth grade shall be permitted to  
4 complete high school in the school to which he or she has  
5 transferred. However, any such student shall have previously  
6 attended a school in the sending district for at least one  
7 semester immediately before initially transferring, unless the  
8 student was entering kindergarten or was a first grade student,  
9 and shall continue to reside within the boundaries of the  
10 unaccredited district as those boundaries existed when the  
11 student entered the transfer program to maintain eligibility. A  
12 student who returns to his or her district of residence shall be  
13 ineligible to transfer again.

14 4. Notwithstanding any other provision of law, any student  
15 who was participating in the school transfer program before  
16 January 1, 2015, and who attended, for at least one semester  
17 immediately prior to transferring, a school in an unaccredited  
18 district, shall have the option of transferring to a virtual  
19 school as provided in subsection 8 of section 162.1250, an  
20 approved charter school, or another public school in the  
21 student's district of residence that offers the student's grade  
22 level of enrollment, as further provided in section 167.826.

23 167.826. 1. Any student may transfer to another public  
24 school in the student's district of residence that offers the  
25 student's grade level of enrollment and that is accredited  
26 without provisions by the state board of education if such  
27 student is enrolled in and has attended an unaccredited school in  
28 an unaccredited district for the full semester immediately prior

1 to requesting the transfer.

2 2. Any student may transfer to another public school in the  
3 student's district of residence that offers the student's grade  
4 level of enrollment and that is accredited without provisions by  
5 the state board of education if such student is enrolled in and  
6 has attended an unaccredited school, for the full semester  
7 immediately prior to requesting the transfer, in:

8 (1) An urban school district;

9 (2) A metropolitan school district;

10 (3) A district that has most or all of its land area  
11 located in a county with a charter form of government and with  
12 more than nine hundred fifty thousand inhabitants; or

13 (4) A district that has most or all of its land area  
14 located in a county with a charter form of government and with  
15 more than six hundred thousand but fewer than seven hundred  
16 thousand inhabitants.

17 3. No such transfer under subsections 1 and 2 of this  
18 section shall result in a class size and assigned enrollment in a  
19 receiving school that exceeds the standards for class size and  
20 assigned enrollment as promulgated in the Missouri school  
21 improvement program's resource standards. If the student chooses  
22 to attend a magnet school, an academically selective school, or a  
23 school with a competitive entrance process within his or her  
24 district of residence that has admissions requirements, the  
25 student shall meet such admissions requirements in order to  
26 attend. The school board of each district described in  
27 subsections 1 and 2 of this section that operates an unaccredited  
28 school shall determine the capacity at each of the district's

1 attendance centers that the state board of education has assigned  
2 a classification designation of accredited or accredited with  
3 distinction. The district's school board shall be responsible  
4 for coordinating student transfers from unaccredited schools to  
5 accredited schools within the district. No student enrolled in  
6 and attending an attendance center that does not offer classes  
7 above the second grade level shall be eligible to transfer under  
8 this section.

9 4. Any student who is enrolled in and has attended an  
10 unaccredited school in an unaccredited district for the full  
11 semester immediately prior to requesting the transfer and who has  
12 first attempted but is unable to transfer to an accredited school  
13 within his or her district of residence under subsection 1 of  
14 this section due to a lack of capacity in accredited schools in  
15 the district of residence may apply to the appropriate education  
16 authority to transfer to:

17 (1) An accredited school in another district located in the  
18 same or an adjoining county; or

19 (2) An approved charter school, as defined in section  
20 167.848, in another district located in the same or an adjoining  
21 county.

22 5. After the state board of education has assigned  
23 classification designations to all attendance centers under  
24 subsection 3 of section 161.238 and continuing thereafter, any  
25 student who is eligible to transfer under subsection 2 of this  
26 section and who has first attempted but is unable to transfer to  
27 an accredited school within his or her district of residence  
28 under subsection 2 of this section due to a lack of capacity in



1 accredited schools in the district of residence may apply to the  
2 appropriate education authority to transfer to:

3 (1) An accredited school in another district located in the  
4 same or an adjoining county; or

5 (2) An approved charter school, as defined in section  
6 167.848, in another district located in the same or an adjoining  
7 county.

8 6. The application to the education authority to transfer  
9 shall be made by March first before the school year in which the  
10 student intends to transfer.

11 7. A student who is eligible to begin kindergarten or first  
12 grade at an unaccredited school as described in subsection 1 or 2  
13 of this section may apply to the appropriate education authority  
14 for a transfer if he or she resides in the attendance area of an  
15 unaccredited school on March first preceding the school year of  
16 first attendance. A student who does not apply by March first  
17 shall be required to enroll and attend for one semester to become  
18 eligible to transfer. If the student chooses to apply to attend  
19 a magnet school, an academically selective school, or a school  
20 with a competitive entrance process that has admissions  
21 requirements, the student shall furnish proof that he or she  
22 meets such admissions requirements. Any student who does not  
23 maintain residency in the attendance area of his or her  
24 attendance center in the district of residence shall lose  
25 eligibility to transfer. Any student who transfers but later  
26 withdraws shall lose eligibility to transfer. The transfer  
27 provisions of this subsection shall not apply to a district  
28 created under sections 162.815 to 162.840 or to any early

1 childhood programs or early childhood special education programs.

2 8. No unaccredited district, provisionally accredited  
3 district, unaccredited school, or provisionally accredited school  
4 shall be eligible to receive transfer students, except that,  
5 within an unaccredited district, students may transfer from  
6 unaccredited schools to accredited schools, and a transfer  
7 student who chooses to attend a provisionally accredited school  
8 in the district of residence shall be allowed to transfer to such  
9 school if there is an available slot.

10 9. If a charter school may receive nonresident transfer  
11 students under this section because it has been operating for  
12 less than three years but then loses its status as an approved  
13 charter school immediately after those three years because its  
14 three-year average score on its annual performance report is  
15 below seventy percent, any students who previously transferred to  
16 the charter school may remain enrolled in the charter school but  
17 no additional nonresident students may transfer to the charter  
18 school.

19 10. No attendance center with a three-year average score of  
20 seventy percent or lower on its annual performance report shall  
21 be eligible to receive any transfer students, irrespective of its  
22 state board of education classification designation, except that  
23 any student who was granted a transfer to such an attendance  
24 center prior to the effective date of this section may remain  
25 enrolled in that attendance center.

26 11. For a receiving district or receiving approved charter  
27 school, no acceptance of a transfer student shall require any of  
28 the following actions, unless the school board of the receiving

1 district or the receiving approved charter school's governing  
2 board has approved the action:

3 (1) A class size and assigned enrollment in a receiving  
4 school that exceeds the number of students provided by its  
5 approved policy on class size under subsection 12 of this  
6 section;

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

8 (3) The construction of additional classrooms.

9 12. Each receiving district and each receiving approved  
10 charter school shall have the right to establish and adopt, by  
11 objective means, a policy for desirable class size and student-  
12 teacher ratios. A district's policy may allow for estimated  
13 growth in the resident student population. An approved charter  
14 school may use the class size, student-teacher ratios, and growth  
15 projections for student enrollment contained in the charter  
16 school's charter application and charter when adopting a policy.  
17 Any district or approved charter school that adopts such a policy  
18 shall do so by January first annually. A receiving district or  
19 receiving approved charter school shall publish its policy and  
20 shall not be required to accept any transfer students under this  
21 section that would violate its class size or student-teacher  
22 ratio. If a student seeking to transfer is denied admission to a  
23 district or approved charter school based on a lack of space  
24 under the policy, the student or the student's parent or guardian  
25 may appeal the ruling to the state board of education if he or  
26 she believes the district's policy or approved charter school's  
27 policy is unduly restrictive to student transfers. If more than  
28 one student or parent appeals a denial of admission from the same

1 district or approved charter school to the state board of  
2 education, the state board shall make an effort to hear such  
3 actions at the same time. If the state board of education finds  
4 that the policy is unduly restrictive to student transfers, the  
5 state board may limit the policy. The state board's decision  
6 shall be final.

7 13. For each student who transfers to another district or  
8 approved charter school, the student's district of residence  
9 shall pay the tuition amount for each transfer student to the  
10 receiving district or receiving approved charter school in two  
11 increments annually, once at the start of the school year and  
12 once at the start of the second semester of the school year.  
13 Each receiving district and receiving approved charter school  
14 shall adopt a policy establishing a tuition rate by February  
15 first annually.

16 14. If an unaccredited school becomes classified as  
17 provisionally accredited or accredited without provisions by the  
18 state board of education, any student who was assigned to such  
19 attendance center and who has transferred under this section  
20 shall be permitted to continue his or her educational program in  
21 that education option through the completion of middle school,  
22 junior high school, or high school, whichever occurs first,  
23 except that a student who attends any school serving students  
24 through high school graduation but starting at grades lower than  
25 ninth grade shall be permitted to complete high school in the  
26 school to which he or she has transferred.

27 15. (1) Except as provided in subdivision (2) of this  
28 subsection, if a district described in subsection 1 or 2 of this

1 section operates an unaccredited school, the education authority  
2 for the county in which the district is located shall designate  
3 at least one accredited district in the same or an adjoining  
4 county to which the district operating the unaccredited school  
5 shall provide transportation for transfer students. If the  
6 designated district reaches full student capacity and is unable  
7 to receive additional students, the education authority shall  
8 designate at least one additional accredited district to which  
9 the district operating an unaccredited school shall provide  
10 transportation for transfer students.

11 (2) For the 2015-16 school year, and until such time as the  
12 governor has appointed a number of members sufficient to  
13 constitute a quorum to the education authority whose geographic  
14 coverage area includes a district operating an unaccredited  
15 school, the department of elementary and secondary education  
16 shall designate at least one accredited district in the same or  
17 an adjoining county to which a district operating an unaccredited  
18 school shall provide transportation for transfer students. If  
19 the designated district reaches full student capacity and is  
20 unable to receive additional students, the department shall  
21 designate at least one additional accredited district to which a  
22 district operating an unaccredited school shall provide  
23 transportation for transfer students.

24 (3) During the 2015-16 school year, for any district in a  
25 county with a charter form of government and with more than nine  
26 hundred fifty thousand inhabitants that the state board of  
27 education classified as unaccredited effective January 1, 2013,  
28 the costs of providing transportation for transfer students to a

1 designated accredited district in the same or an adjoining county  
2 shall be paid from the student transfer transportation fund.  
3 There is hereby created in the state treasury the "Student  
4 Transfer Transportation Fund", which shall consist of moneys  
5 appropriated to this fund. The state treasurer shall be  
6 custodian of the fund. The commissioner of education shall  
7 administer the fund. In accordance with sections 30.170 and  
8 30.180, the state treasurer may approve disbursements. The fund  
9 shall be a dedicated fund, and moneys in the fund shall be used  
10 solely by the department of elementary and secondary education  
11 for the purposes of this subdivision. Notwithstanding the  
12 provisions of section 33.080 to the contrary, any moneys  
13 remaining in the fund at the end of the biennium shall not revert  
14 to the credit of the general revenue fund. The state treasurer  
15 shall invest moneys in the fund in the same manner as other funds  
16 are invested. Any interest and moneys earned on such investments  
17 shall be credited to the fund.

18 (4) Beginning in the 2016-17 school year, when determining  
19 transportation arrangements under this subsection, neither the  
20 department of elementary and secondary education nor any  
21 education authority shall contract with or collaborate with any  
22 established regional association or cooperative of school  
23 districts located in any city not within a county or any county  
24 with a charter form of government and with more than nine hundred  
25 fifty thousand inhabitants.

26 16. Notwithstanding the provisions of subsection 13 of this  
27 section to the contrary, if costs associated with the provision  
28 of special education and related services to a student with a

1 disability exceed the tuition amount established under this  
2 section, the transfer student's district of residence shall  
3 remain responsible to pay the excess cost to the receiving  
4 district or receiving approved charter school. If the receiving  
5 district is a component district of a special school district,  
6 the transfer student's district of residence, including any  
7 metropolitan school district, shall contract with the special  
8 school district for the entirety of the costs to provide special  
9 education and related services, excluding transportation pursuant  
10 to this section. The special school district may contract with  
11 the transfer student's district of residence, including any  
12 metropolitan district, for the provision of transportation of a  
13 student with a disability, or the transfer student's district of  
14 residence may provide transportation on its own.

15 17. A special school district shall continue to provide  
16 special education and related services, with the exception of  
17 transportation under this section, to a student with a disability  
18 transferring from an unaccredited school within a component  
19 district to an accredited school within the same or a different  
20 component district within the special school district.

21 18. If any metropolitan school district operates an  
22 unaccredited school, it shall remain responsible for the  
23 provision of special education and related services, including  
24 transportation, to students with disabilities. A special school  
25 district in an adjoining county to a metropolitan school district  
26 may contract with the metropolitan school district for the  
27 reimbursement of special education services pursuant to sections  
28 162.705 and 162.710 provided by the special school district for

1 transfer students who are residents of the district operating an  
2 unaccredited school.

3 19. Regardless of whether transportation is identified as a  
4 related service within a student's individualized education  
5 program, a receiving district that is not part of a special  
6 school district shall not be responsible for providing  
7 transportation to a student transferring under this section. A  
8 district operating an unaccredited school may contract with a  
9 receiving district that is not part of a special school district  
10 pursuant to sections 162.705 and 162.710 for transportation of  
11 students with disabilities.

12 20. If a seven-director district or urban school district  
13 as described under subsection 1 or 2 of this section operates an  
14 unaccredited school, it may contract with a receiving district  
15 that is not part of a special school district in the same or an  
16 adjoining county for the reimbursement of special education and  
17 related services pursuant to sections 162.705 and 162.710  
18 provided by the receiving district for transfer students who are  
19 residents of the district operating an unaccredited school.

20 167.827. 1. By August 1, 2015, and by January first  
21 annually, each district eligible to receive transfer students  
22 under section 167.826 shall report to the education authority for  
23 the county in which the district is located its number of  
24 available enrollment slots in accredited schools by grade level.  
25 Each district described in subsection 1 or 2 of section 167.826  
26 operating an unaccredited school shall report to the education  
27 authority the number of available enrollment slots in the  
28 accredited schools of the district by August 1, 2015, and by



1 January first annually. Each approved charter school that is  
2 eligible to receive transfer students under section 167.826 shall  
3 report the number of available enrollment slots by August 1,  
4 2015, and by January first annually.

5 2. Any education authority whose geographic area includes a  
6 district described in subsection 1 or 2 of section 167.826  
7 operating an unaccredited school shall make information and  
8 assistance available to parents or guardians who intend to  
9 transfer their child from an unaccredited school to an accredited  
10 school in another district in the same or an adjoining county or  
11 an approved charter school in another district in the same or an  
12 adjoining county.

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

20 4. The education authority whose geographic area includes a  
21 district that operates an unaccredited school described in  
22 subsection 1 or 2 of section 167.826 shall assign those students  
23 who are unable to transfer to an accredited school in their  
24 district of residence and seek to transfer to an accredited  
25 school in another district in the same or an adjoining county or  
26 an approved charter school in another district in the same or an  
27 adjoining county. When assigning transfer students to approved  
28 charter schools, an education authority shall coordinate with

1 each approved charter school and its admissions process if  
2 capacity is insufficient to enroll all students who submit a  
3 timely application. An approved charter school shall not be  
4 required to receive any transfer students that would require it  
5 to institute a lottery procedure for determining the admission of  
6 resident students. The authority shall give first priority to  
7 students who live in the same household with any family member  
8 within the first or second degree of consanguinity or affinity  
9 who have already transferred and who apply to attend the same  
10 school. If insufficient grade-appropriate enrollment slots are  
11 available for a student to be able to transfer, that student  
12 shall receive first priority the following school year. The  
13 authority shall only disrupt student and parent choice for  
14 transfer if the available slots are requested by more students  
15 than there are slots available. The authority shall consider the  
16 following factors in assigning schools, with the student's or  
17 parent's choice as the most important factor:

18 (1) The student's or parent's choice of the receiving  
19 school;

20 (2) The best interests of the student; and

21 (3) Distance and travel time to a receiving school.

22  
23 The education authority shall not consider student academic  
24 performance, free and reduced price lunch status, or athletic  
25 ability in assigning a student to a school. When assigning  
26 transfer students to approved charter schools, an education  
27 authority shall coordinate with each approved charter school and  
28 its admissions process if capacity is insufficient to enroll all

1 students who submit a timely application.

2 5. An education authority may deny a transfer to a student  
3 who in the most recent school year has been suspended from school  
4 two or more times or who has been suspended for an act of school  
5 violence under subsection 2 of section 160.261. A student whose  
6 transfer is initially precluded under this subsection may be  
7 permitted to transfer on a provisional basis as a probationary  
8 transfer student, subject to no further disruptive behavior, upon  
9 a statement from the student's current school that the student is  
10 not disruptive. A student who is denied a transfer under this  
11 subsection has the right to an in-person meeting with a  
12 representative of the authority. Each education authority shall  
13 develop administrative guidelines to provide common standards for  
14 determining disruptive behavior that shall include, but not be  
15 limited to, criteria under the safe schools act.

16 6. Notwithstanding any other provision of law, the test  
17 scores of transfer students attending schools in districts other  
18 than their district of residence under section 167.826 shall be  
19 counted as follows:

20 (1) In the first year of attendance in a district or  
21 approved charter school, a transfer student's score on a  
22 statewide assessment shall not be included when calculating the  
23 status or progress scores on the district's or charter school's  
24 annual performance report scores. The growth score shall be  
25 weighted at one hundred percent.

26 (2) In the second year of attendance, a transfer student's  
27 score on a statewide assessment shall be weighted at thirty  
28 percent when calculating the district's or charter school's

1 performance for purposes of the district's or charter school's  
2 annual performance report status or progress score, with the  
3 growth score weighted at one hundred percent.

4 (3) In the third year of attendance, a transfer student's  
5 score on a statewide assessment shall be weighted at seventy  
6 percent when calculating the district's or charter school's  
7 performance for purposes of the district's or charter school's  
8 annual performance report status or progress score, with the  
9 growth score weighted at one hundred percent.

10 (4) In the fourth year of attendance and any subsequent  
11 years of attendance, a transfer student's score on a statewide  
12 assessment shall be weighted at one hundred percent when  
13 calculating the district's or charter school's performance for  
14 purposes of the district's or charter school's annual performance  
15 report status or progress score, with the growth score weighted  
16 at one hundred percent.

17 7. When performing the requirements of this section,  
18 section 167.132, or sections 167.830 to 167.845, if an education  
19 authority whose geographic area includes a district that operates  
20 an unaccredited school as described in subsection 1 or 2 of  
21 section 167.826 is not coordinating transfers due to insufficient  
22 funding or because the governor has not yet appointed a number of  
23 members sufficient to constitute a quorum to the education  
24 authority, the department of elementary and secondary education  
25 shall contract with or collaborate with any organizations it  
26 chooses, subject to the exception described in subsection 8 of  
27 this section, in order to coordinate transfers that each  
28 education authority is required to coordinate under such

1 sections. The department of elementary and secondary education  
2 and such organization or organizations it chooses shall fulfill  
3 all functions of the education authorities, including the duty to  
4 perform the tuition calculation as described in subsection 4 of  
5 section 167.132. Any applications for transfers and any reports  
6 of available enrollment slots that the education authorities  
7 would have received shall be submitted to the department of  
8 elementary and secondary education or such organization or  
9 organizations it chooses instead.

10 8. Beginning in the 2016-17 school year, when performing  
11 the requirements of this section or sections 167.830 to 167.845,  
12 neither the department of elementary and secondary education nor  
13 any education authority shall contract with or collaborate with  
14 any established regional association or cooperative of school  
15 districts located in any city not within a county or any county  
16 with a charter form of government and with more than nine hundred  
17 fifty thousand inhabitants. No such regional association or  
18 cooperative of school districts shall receive any applications  
19 for transfers nor perform any functions assigned to the education  
20 authorities.

21 167.830. 1. There is hereby established the "St. Louis  
22 Area Education Authority". The authority is hereby constituted a  
23 public instrumentality and body politic and corporate, and the  
24 exercise by the authority of the powers conferred by this section  
25 shall be deemed and held to be the performance of an essential  
26 public function. Unless otherwise provided, the authority shall  
27 be subject to all general laws pertaining to the operation of  
28 seven-director districts as defined in section 160.011.

1           2. If any metropolitan school district, any district  
2 located in any county with a charter form of government and with  
3 more than nine hundred fifty thousand inhabitants, or any  
4 district located in an adjoining county to them operates at least  
5 one unaccredited school, the authority shall coordinate student  
6 transfers from unaccredited schools to schools in accredited  
7 districts as set forth in section 167.826 and, if applicable, to  
8 approved charter schools.

9           3. The authority shall consist of five members to be  
10 appointed by the governor, by and with the advice and consent of  
11 the senate, each of whom shall be a resident of the state. The  
12 members shall reflect the population characteristics of the  
13 districts they represent. Not more than three of the five  
14 members of the authority shall be of the same political party.  
15 Two members shall be residents of the metropolitan school  
16 district, two members shall be residents of school districts  
17 located in a county with a charter form of government and with  
18 more than nine hundred fifty thousand inhabitants, and one member  
19 shall be a resident of a district located in an adjoining county  
20 to a county with a charter form of government and with more than  
21 nine hundred fifty thousand inhabitants. The length of term for  
22 members shall be six years except for the initial members, who  
23 shall be appointed in the following manner:

24           (1) One member shall be appointed for a term of two years;

25           (2) One member shall be appointed for a term of three  
26 years;

27           (3) One member shall be appointed for a term of four years;

28           (4) One member shall be appointed for a term of five years;

1 and

2 (5) One member shall be appointed for a term of six years.

3 4. The term length of each initial appointee shall be  
4 designated by the governor at the time of making the appointment.  
5 Upon the expiration of the initial terms of office, successor  
6 members shall be appointed for terms of six years and shall serve  
7 until their successors have been appointed and have qualified.  
8 Any member shall be eligible for reappointment. The governor  
9 shall fill any vacancy for the remainder of any unexpired term  
10 within thirty days of notification of the vacancy. Any member of  
11 the authority may be removed by the governor for misfeasance,  
12 malfeasance, willful neglect of duty, or other cause after notice  
13 and a public hearing unless the notice or hearing shall be  
14 expressly waived in writing.

15 5. Members of the authority shall receive no compensation  
16 for services, but shall be entitled to reimbursement for  
17 necessary expenses, including traveling and lodging expenses,  
18 incurred in the discharge of their duties. Any payment for  
19 expenses shall be paid from funds of the authority.

20 6. One member of the authority, designated by the governor  
21 for the purpose, shall call and convene the initial  
22 organizational meeting of the authority and shall serve as its  
23 president pro tempore. At the initial meeting and annually  
24 thereafter, the authority shall elect one of its members as  
25 president. The authority may appoint an executive director who  
26 shall not be a member of the authority and who shall serve at its  
27 pleasure. If an executive director is appointed, he or she shall  
28 receive such compensation as shall be fixed from time to time by

1 action of the authority. The authority shall appoint a member as  
2 secretary who shall keep a record of the proceedings of the  
3 authority and shall be the custodian of all books, documents, and  
4 papers filed with the authority, the minute books or journal  
5 thereof, and its official seal. The secretary may cause copies  
6 to be made of all minutes and other records and documents of the  
7 authority and may give certificates under the official seal of  
8 the authority to the effect that the copies are true and correct  
9 copies, and all persons dealing with the authority may rely on  
10 such certificates. The authority, by resolution duly adopted,  
11 shall fix the powers and duties of its executive director as it  
12 may, from time to time, deem proper and necessary.

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

15 8. The authority shall have the following powers, together  
16 with all powers incidental thereto or necessary for the  
17 performance thereof to:

18 (1) Have perpetual succession as a body politic and  
19 corporate;

20 (2) Adopt bylaws for the regulation of its affairs and the  
21 conduct of its business;

22 (3) Sue and be sued and prosecute and defend, at law or in  
23 equity, in any court having jurisdiction of the subject matter  
24 and of the parties;

25 (4) Establish and use a corporate seal and alter the same  
26 at pleasure;

27 (5) Maintain an office at such place or places in the state  
28 of Missouri as it may designate;



1       (6) Employ an executive director and other staff as needed,  
2 with compensation fixed by the authority;

3       (7) Coordinate student transfers located in its  
4 jurisdiction, as provided by law; and

5       (8) Coordinate and collaborate with local districts,  
6 approved charter schools, and local governments for the transfer  
7 of students, as provided by law.

8       167.833. 1. There is hereby created in the state treasury  
9 the "St. Louis Area Education Authority Fund". The fund shall  
10 consist of any appropriations, gifts, bequests, or public or  
11 private donations to such fund. Any moneys in the fund shall be  
12 used to fund the operations of the education authority. The  
13 state treasurer shall be custodian of the fund. In accordance  
14 with sections 30.170 and 30.180, the state treasurer may approve  
15 disbursements of public moneys in accordance with distribution  
16 requirements and procedures developed by the department of  
17 elementary and secondary education and shall make disbursement of  
18 private funds according to the directions of the donor. If the  
19 donor did not specify how the private funds were to be disbursed,  
20 the state treasurer shall contact the donor to determine the  
21 manner of disbursement. The fund shall be a dedicated fund and,  
22 upon appropriation, moneys in the fund shall be used solely for  
23 the administration of sections 167.830 and 167.833.

24       2. Notwithstanding the provisions of section 33.080 to the  
25 contrary, any moneys remaining in the fund at the end of the  
26 biennium shall not revert to the credit of the general revenue  
27 fund.

28       3. The state treasurer shall invest moneys in the fund in

1 the same manner as other funds are invested. Any interest and  
2 moneys earned on such investments shall be credited to the fund.

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

11 2. If any district located in any county with a charter  
12 form of government and with more than six hundred thousand but  
13 fewer than seven hundred thousand inhabitants or in an adjoining  
14 county operates at least one unaccredited school, the authority  
15 shall coordinate student transfers from unaccredited schools to  
16 schools in accredited districts as set forth in section 167.826  
17 and, if applicable, to approved charter schools.

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

1 city with more than four hundred thousand inhabitants and located  
2 in more than one county. One member shall be a resident of a  
3 school district located in a county adjoining to a county with a  
4 charter form of government and with more than six hundred  
5 thousand but fewer than seven hundred thousand inhabitants. The  
6 members shall reflect the population characteristics of the  
7 districts they represent. Not more than three of the five  
8 members of the authority shall be of the same political party.  
9 The length of term for members shall be six years except for the  
10 initial members, who shall be appointed in the following manner:  
11 (1) One member shall be appointed for a term of two years;  
12 (2) One member shall be appointed for a term of three  
13 years;  
14 (3) One member shall be appointed for a term of four years;  
15 (4) One member shall be appointed for a term of five years;  
16 and  
17 (5) One member shall be appointed for a term of six years.  
18 4. The term length of each initial appointee shall be  
19 designated by the governor at the time of making the appointment.  
20 Upon the expiration of the initial terms of office, successor  
21 members shall be appointed for terms of six years and shall serve  
22 until their successors have been appointed and have qualified.  
23 Any member shall be eligible for reappointment. The governor  
24 shall fill any vacancy for the remainder of any unexpired term  
25 within thirty days of notification of the vacancy. Any member of  
26 the authority may be removed by the governor for misfeasance,  
27 malfeasance, willful neglect of duty, or other cause after notice  
28 and a public hearing unless the notice or hearing shall be

1 expressly waived in writing.

2 5. Members of the authority shall receive no compensation  
3 for services, but shall be entitled to reimbursement for  
4 necessary expenses, including traveling and lodging expenses,  
5 incurred in the discharge of their duties. Any payment for  
6 expenses shall be paid from funds of the authority.

7 6. One member of the authority, designated by the governor  
8 for the purpose, shall call and convene the initial  
9 organizational meeting of the authority and shall serve as its  
10 president pro tempore. At the initial meeting and annually  
11 thereafter, the authority shall elect one of its members as  
12 president. The authority may appoint an executive director who  
13 shall not be a member of the authority and who shall serve at its  
14 pleasure. If an executive director is appointed, he or she shall  
15 receive such compensation as shall be fixed from time to time by  
16 action of the authority. The authority shall appoint a member as  
17 secretary who shall keep a record of the proceedings of the  
18 authority and shall be the custodian of all books, documents, and  
19 papers filed with the authority, the minute books or journal  
20 thereof, and its official seal. The secretary may cause copies  
21 to be made of all minutes and other records and documents of the  
22 authority and may give certificates under the official seal of  
23 the authority to the effect that the copies are true and correct  
24 copies, and all persons dealing with the authority may rely on  
25 such certificates. The authority, by resolution duly adopted,  
26 shall fix the powers and duties of its executive director as it  
27 may, from time to time, deem proper and necessary.

28 7. Meetings, records, and operations of the authority shall

1 be subject to the provisions of chapter 610.

2 8. The authority shall have the following powers, together  
3 with all powers incidental thereto or necessary for the  
4 performance thereof to:

5 (1) Have perpetual succession as a body politic and  
6 corporate;

7 (2) Adopt bylaws for the regulation of its affairs and the  
8 conduct of its business;

9 (3) Sue and be sued and prosecute and defend, at law or in  
10 equity, in any court having jurisdiction of the subject matter  
11 and of the parties;

12 (4) Establish and use a corporate seal and alter the same  
13 at pleasure;

14 (5) Maintain an office at such place or places in the state  
15 of Missouri as it may designate;

16 (6) Employ an executive director and other staff as needed,  
17 with compensation fixed by the authority;

18 (7) Coordinate student transfers located in its  
19 jurisdiction, as provided by law; and

20 (8) Coordinate and collaborate with local districts,  
21 approved charter schools, and local governments for the transfer  
22 of students, as provided by law.

23 167.839. 1. There is hereby created in the state treasury  
24 the "Kansas City Area Education Authority Fund". The fund shall  
25 consist of any appropriations, gifts, bequests, or public or  
26 private donations to such fund. Any moneys in the fund shall be  
27 used to fund the operations of the education authority. The  
28 state treasurer shall be custodian of the fund. In accordance

1 with sections 30.170 and 30.180, the state treasurer may approve  
2 disbursements of public moneys in accordance with distribution  
3 requirements and procedures developed by the department of  
4 elementary and secondary education and shall make disbursement of  
5 private funds according to the directions of the donor. If the  
6 donor did not specify how the private funds were to be disbursed,  
7 the state treasurer shall contact the donor to determine the  
8 manner of disbursement. The fund shall be a dedicated fund and,  
9 upon appropriation, moneys in the fund shall be used solely for  
10 the administration of sections 167.836 and 167.839.

11 2. Notwithstanding the provisions of section 33.080 to the  
12 contrary, any moneys remaining in the fund at the end of the  
13 biennium shall not revert to the credit of the general revenue  
14 fund.

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

18 167.842. 1. There is hereby established the "Statewide  
19 Education Authority". The authority is hereby constituted a  
20 public instrumentality and body politic and corporate, and the  
21 exercise by the authority of the powers conferred by this section  
22 shall be deemed and held to be the performance of an essential  
23 public function. Unless otherwise provided, the authority shall  
24 be subject to all general laws pertaining to the operation of  
25 seven-director districts as defined in section 160.011. The  
26 jurisdiction of the statewide education authority shall be all  
27 counties except for:

28 (1) Any city not within a county;

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

4       (3) Any county with a charter form of government and with  
5 more than nine hundred fifty thousand inhabitants and adjoining  
6 counties.

7       2. If any district located in the statewide education  
8 authority's jurisdiction operates at least one unaccredited  
9 school, the authority shall coordinate student transfers from  
10 unaccredited schools to schools in accredited districts as set  
11 forth in section 167.826 and, if applicable, to approved charter  
12 schools.

13       3. The authority shall consist of five members to be  
14 appointed by the governor, by and with the advice and consent of  
15 the senate, each of whom shall be a resident of the state. The  
16 members shall reflect the population characteristics of the  
17 districts they represent. Not more than three of the five  
18 members of the authority shall be of the same political party.  
19 The governor shall not appoint members to the authority until the  
20 state board of education gives notice that a district in the  
21 authority's jurisdiction has been classified as unaccredited.  
22 The length of term for members shall be six years except for the  
23 initial members, who shall be appointed in the following manner:

24       (1) One member shall be appointed for a term of two years;

25       (2) One member shall be appointed for a term of three  
26 years;

27       (3) One member shall be appointed for a term of four years;

28       (4) One member shall be appointed for a term of five years;

1 and

2 (5) One member shall be appointed for a term of six years.

3 4. The term length of each initial appointee shall be  
4 designated by the governor at the time of making the appointment.  
5 Upon the expiration of the initial terms of office, successor  
6 members shall be appointed for terms of six years and shall serve  
7 until their successors have been appointed and have qualified.  
8 Any member shall be eligible for reappointment. The governor  
9 shall fill any vacancy for the remainder of any unexpired term  
10 within thirty days of notification of the vacancy. Any member of  
11 the authority may be removed by the governor for misfeasance,  
12 malfeasance, willful neglect of duty, or other cause after notice  
13 and a public hearing unless the notice or hearing shall be  
14 expressly waived in writing.

15 5. Members of the authority shall receive no compensation  
16 for services, but shall be entitled to reimbursement for  
17 necessary expenses, including traveling and lodging expenses,  
18 incurred in the discharge of their duties. Any payment for  
19 expenses shall be paid from funds of the authority.

20 6. One member of the authority, designated by the governor  
21 for the purpose, shall call and convene the initial  
22 organizational meeting of the authority and shall serve as its  
23 president pro tempore. At the initial meeting and annually  
24 thereafter, the authority shall elect one of its members as  
25 president. The authority may appoint an executive director who  
26 shall not be a member of the authority and who shall serve at its  
27 pleasure. If an executive director is appointed, he or she shall  
28 receive such compensation as shall be fixed from time to time by



1 action of the authority. The authority shall appoint a member as  
2 secretary who shall keep a record of the proceedings of the  
3 authority and shall be the custodian of all books, documents, and  
4 papers filed with the authority, the minute books or journal  
5 thereof, and its official seal. The secretary may cause copies  
6 to be made of all minutes and other records and documents of the  
7 authority and may give certificates under the official seal of  
8 the authority to the effect that the copies are true and correct  
9 copies, and all persons dealing with the authority may rely on  
10 such certificates. The authority, by resolution duly adopted,  
11 shall fix the powers and duties of its executive director as it  
12 may, from time to time, deem proper and necessary.

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

15 8. The authority shall have the following powers, together  
16 with all powers incidental thereto or necessary for the  
17 performance thereof to:

18 (1) Have perpetual succession as a body politic and  
19 corporate;

20 (2) Adopt bylaws for the regulation of its affairs and the  
21 conduct of its business;

22 (3) Sue and be sued and prosecute and defend, at law or in  
23 equity, in any court having jurisdiction of the subject matter  
24 and of the parties;

25 (4) Establish and use a corporate seal and alter the same  
26 at pleasure;

27 (5) Maintain an office at such place or places in the state  
28 of Missouri as it may designate;

1       (6) Employ an executive director and other staff as needed,  
2 with compensation fixed by the authority;

3       (7) Coordinate student transfers located in its  
4 jurisdiction, as provided by law; and

5       (8) Coordinate and collaborate with local districts,  
6 approved charter schools, and local governments for the transfer  
7 of students, as provided by law.

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

24       2. Notwithstanding the provisions of section 33.080 to the  
25 contrary, any moneys remaining in the fund at the end of the  
26 biennium shall not revert to the credit of the general revenue  
27 fund.

28       3. The state treasurer shall invest moneys in the fund in

1 the same manner as other funds are invested. Any interest and  
2 moneys earned on such investments shall be credited to the fund.

3 167.848. For purposes of sections 161.084, 161.087,  
4 161.238, 162.1250, 162.1305, 162.1310, 162.1313, 167.642,  
5 167.685, 167.688, and 167.825 to 167.848, the following terms  
6 mean:

7 (1) "Accredited district", a school district that is  
8 classified as accredited or accredited with distinction by the  
9 state board of education pursuant to the authority of the state  
10 board of education to classify schools as established in sections  
11 161.087 and 161.092;

12 (2) "Accredited school", an attendance center that is  
13 classified as accredited or accredited with distinction by the  
14 state board of education pursuant to the authority of the state  
15 board of education to classify schools as established in sections  
16 161.087, 161.092, and 161.238;

17 (3) "Approved charter school", a charter school that has  
18 existed for less than three years or a charter school with a  
19 three-year average score of seventy percent or higher on its  
20 annual performance report;

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

25 (5) "Borderline district", a school district that has a  
26 current annual performance report score between seventy-five and  
27 seventy with the last two consecutive years showing a decline in  
28 the score, with a district third-grade or eighth-grade statewide

1 reading assessment that shows that fifty percent or more of the  
2 students are at a level less than proficient, and a transient  
3 student ratio in the top quartile of districts;

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

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

11 (8) "Provisionally accredited school", an attendance center  
12 that is classified as provisionally accredited by the state board  
13 of education pursuant to the authority of the state board of  
14 education to classify schools as established in sections 161.087,  
15 161.092, and 161.238;

16 (9) "Unaccredited district", a school district classified  
17 as unaccredited by the state board of education pursuant to the  
18 authority of the state board of education to classify schools as  
19 established in sections 161.087 and 161.092;

20 (10) "Unaccredited school", an attendance center that is  
21 classified as unaccredited by the state board of education  
22 pursuant to the authority of the state board of education to  
23 classify schools as established in sections 161.087, 161.092, and  
24 161.238;

25 (11) "Underperforming", a school district or an attendance  
26 center that has been classified as unaccredited or provisionally  
27 accredited pursuant to the authority of the state board of  
28 education to classify schools or has a three-year average annual

1 performance report score consistent with a classification of  
2 provisionally accredited or unaccredited.

3 167.890. 1. The department of elementary and secondary  
4 education shall compile and maintain student performance data  
5 scores of all transfer students enrolled in districts other than  
6 their resident districts as provided in sections 167.825 and  
7 167.826 and make such data available on the Missouri  
8 comprehensive data system. No personally identifiable data shall  
9 be accessible on the database.

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

23 170.215. 1. Any school district may enter into a contract  
24 with a public library to provide online tutoring services through  
25 a third-party vendor or a nonprofit organization for the  
26 district's students. Any tutoring services shall be conducted  
27 through any compatible computer to participating students who  
28 have a library card, both within and without the public library

1 facility.

2 2. Online tutoring services may include, but shall not be  
3 limited to, providing participating students with a library card  
4 the following:

5 (1) Assistance with homework;

6 (2) Collaboration and study tools in math, science, social  
7 sciences, English, language arts, and computer literacy;

8 (3) Access to comprehensive writing assistance productivity  
9 software; and

10 (4) Test preparation tools.

11 3. Any contract may allow participating students with a  
12 library card dedicated access to assistance during specified  
13 hours of the day and specified days of the week. A contract may  
14 also allow students to submit questions to tutors or join online  
15 study groups.

16 4. Online tutoring services shall be designed and  
17 implemented in such a manner as to:

18 (1) Protect individual student privacy;

19 (2) Prohibit voice communication between the parties; and

20 (3) Prohibit face-to-face visual communication.

21 5. No employee of any third-party vendor or nonprofit  
22 organization with which a public library has contracted for  
23 online tutoring services shall solicit personally identifiable  
24 information from any participating student including, but not  
25 limited to, home address, telephone number, and email address.

26 6. Any entity that offers online tutoring services under  
27 this section shall maintain an archive of all communications  
28 between students and tutors for two years.

1           7. School districts may use available funds or seek grants  
2 from private foundations to cover the costs of online tutoring  
3 services.

4           170.320. 1. There is hereby created in the state treasury  
5 the "Parent Portal Fund". The fund shall consist of any gifts,  
6 bequests, or public or private donations to such fund. Any  
7 moneys in the fund shall be used to assist districts in  
8 establishing and maintaining a parent portal. School districts  
9 may establish a parent portal that shall be accessible by mobile  
10 technology for parents to have access to educational information  
11 and access to student data. Any person or entity that makes a  
12 gift, bequest, or donation to the fund may specify the district  
13 that shall be the recipient of such gift, bequest, or donation.

14           2. The state treasurer shall be custodian of the fund. In  
15 accordance with sections 30.170 and 30.180, the state treasurer  
16 may approve disbursements of public moneys in accordance with  
17 distribution requirements and procedures developed by the  
18 department of elementary and secondary education and shall make  
19 disbursements of private funds according to the directions of the  
20 donor. If the donor did not specify how the private funds were  
21 to be disbursed, the state treasurer shall contact the donor to  
22 determine the manner of disbursement. The fund shall be a  
23 dedicated fund and, upon appropriation, moneys in the fund shall  
24 be used solely for the administration of this section.

25           3. Notwithstanding the provisions of section 33.080 to the  
26 contrary, any moneys remaining in the fund at the end of the  
27 biennium shall not revert to the credit of the general revenue  
28 fund.

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

4           171.031. 1. Each school board shall prepare annually a  
5 calendar for the school term, specifying the opening date and  
6 providing a minimum term of at least one hundred seventy-four  
7 days for schools with a five-day school week or one hundred  
8 forty-two days for schools with a four-day school week, and one  
9 thousand forty-four hours of actual pupil attendance. In  
10 addition, such calendar shall include six make-up days for  
11 possible loss of attendance due to inclement weather as defined  
12 in subsection 1 of section 171.033.

13           2. Each local school district may set its opening date each  
14 year, which date shall be no earlier than ten calendar days prior  
15 to the first Monday in September. No public school district  
16 shall select an earlier start date unless the district follows  
17 the procedure set forth in subsection 3 of this section.

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



1 board proposes an opening date more than ten days before the  
2 first Monday in September.

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

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

11 6. The state board of education may grant an exemption from  
12 this section to a school district that demonstrates highly  
13 unusual and extenuating circumstances justifying exemption from  
14 the provisions of subsections 2 to 4 of this section. Any  
15 exemption granted by the state board of education shall be valid  
16 for one academic year only.

17 7. No school day for schools with a five-day school week  
18 shall be longer than seven hours except for:

19 (1) Vocational schools which may adopt an eight-hour day in  
20 a metropolitan school district and a school district in a first  
21 class county adjacent to a city not within a county, and any  
22 school that adopts a four-day school week in accordance with  
23 section 171.029; and

24 (2) A school district that increases the length of the  
25 school day or the number of required hours by following the  
26 procedure established in subsection 8 of this section.

27 8. The school board of any district in this state that has  
28 been classified as unaccredited or provisionally accredited by

1 the state board of education or that is accredited but has a  
2 three-year average annual performance report score consistent  
3 with a classification of unaccredited or provisionally accredited  
4 may increase the length of the school day upon adoption of a  
5 resolution by a majority vote to authorize such action. Such a  
6 school district may also increase the annual hours of instruction  
7 above the required number of hours in subsection 1 of this  
8 section by the adoption of a resolution by a majority vote to  
9 authorize such action.

10 9. (1) There is hereby created in the state treasury the  
11 "Extended Learning Time Fund". The fund shall consist of any  
12 moneys that may be appropriated by the general assembly from  
13 general revenue to such fund, any moneys paid into the state  
14 treasury and required by law to be credited to such fund, and any  
15 gifts, bequests, or public or private donations to such fund.

16 (2) The state treasurer shall be custodian of the fund. In  
17 accordance with sections 30.170 and 30.180, the state treasurer  
18 may approve disbursements in accordance with distribution  
19 requirements and procedures developed by the department of  
20 elementary and secondary education. The fund shall be a  
21 dedicated fund and, upon appropriation, moneys in the fund shall  
22 be used solely for the administration of subsection 8 of this  
23 section.

24 (3) Notwithstanding the provisions of section 33.080 to the  
25 contrary, any moneys remaining in the fund at the end of the  
26 biennium shall not revert to the credit of the general revenue  
27 fund.

28 (4) The state treasurer shall invest moneys in the fund in

1 the same manner as other funds are invested. Any interest and  
2 moneys earned on such investments shall be credited to the fund.

3 177.015. 1. Each district that owns a building that is not  
4 occupied shall, by March fifteenth annually, prepare a public  
5 document listing the status of each district-owned building that  
6 is not occupied. The document shall include the address of each  
7 building and the amount of money the district spends annually on  
8 the building including, but not limited to, a separate accounting  
9 for repairs, maintenance, utilities, and insurance. The document  
10 shall include an estimate of the fair market value of each  
11 building. The district shall post this information on its  
12 internet website and make the document available to each district  
13 taxpayer.

14 2. For purposes of this section, the term "occupied" means  
15 a district-owned building used for the education of children  
16 between the ages of four and twenty-one for at least three hours  
17 a day for a school term.

18 210.861. 1. When the tax prescribed by section 210.860 or  
19 section 67.1775 is established, the governing body of the city or  
20 county or city not within a county shall appoint a board of  
21 directors consisting of nine members, who shall be residents of  
22 the city or county or city not within a county. All board  
23 members shall be appointed to serve for a term of three years,  
24 except that of the first board appointed, three members shall be  
25 appointed for one-year terms, three members for two-year terms  
26 and three members for three-year terms. Board members may be  
27 reappointed. In a city not within a county, or any county of the  
28 first classification with a charter form of government with a

1 population not less than nine hundred thousand inhabitants, or  
2 any county of the first classification with a charter form of  
3 government with a population not less than two hundred thousand  
4 inhabitants and not more than six hundred thousand inhabitants,  
5 or any noncharter county of the first classification with a  
6 population not less than one hundred seventy thousand and not  
7 more than two hundred thousand inhabitants, or any noncharter  
8 county of the first classification with a population not less  
9 than eighty thousand and not more than eighty-three thousand  
10 inhabitants, or any third classification county with a population  
11 not less than twenty-eight thousand and not more than thirty  
12 thousand inhabitants, or any county of the third classification  
13 with a population not less than nineteen thousand five hundred  
14 and not more than twenty thousand inhabitants the members of the  
15 community mental health board of trustees appointed pursuant to  
16 the provisions of sections 205.975 to 205.990 shall be the board  
17 members for the community children's services fund. The  
18 directors shall not receive compensation for their services, but  
19 may be reimbursed for their actual and necessary expenses.

20 2. The board shall elect a chairman, vice chairman,  
21 treasurer, and such other officers as it deems necessary for its  
22 membership. Before taking office, the treasurer shall furnish a  
23 surety bond, in an amount to be determined and in a form to be  
24 approved by the board, for the faithful performance of his or her  
25 duties and faithful accounting of all moneys that may come into  
26 his or her hands. The treasurer shall enter into the surety bond  
27 with a surety company authorized to do business in Missouri, and  
28 the cost of such bond shall be paid by the board of directors.

1 The board shall administer and expend all funds generated  
2 pursuant to section 210.860 or section 67.1775 in a manner  
3 consistent with this section.

4 3. The board may contract with public or not-for-profit  
5 agencies licensed or certified where appropriate to provide  
6 qualified services and may place conditions on the use of such  
7 funds. The board shall reserve the right to audit the  
8 expenditure of any and all funds. The board and any agency with  
9 which the board contracts may establish eligibility standards for  
10 the use of such funds and the receipt of services. No member of  
11 the board shall serve on the governing body, have any financial  
12 interest in, or be employed by any agency which is a recipient of  
13 funds generated pursuant to section 210.860 or section 67.1775.

14 4. Revenues collected and deposited in the community  
15 children's services fund may be expended for the purchase of the  
16 following services:

17 (1) Up to thirty days of temporary shelter for abused,  
18 neglected, runaway, homeless or emotionally disturbed youth;  
19 respite care services; and services to unwed mothers;

20 (2) Outpatient chemical dependency and psychiatric  
21 treatment programs; counseling and related services as a part of  
22 transitional living programs; home-based and community-based  
23 family intervention programs; unmarried parent services; crisis  
24 intervention services, inclusive of telephone hotlines; and  
25 prevention programs which promote healthy lifestyles among  
26 children and youth and strengthen families;

27 (3) Individual, group, or family professional counseling  
28 and therapy services; psychological evaluations; and mental

1 health screenings.

2 5. Revenues collected and deposited in the community  
3 children's services fund may not be expended for inpatient  
4 medical, psychiatric, and chemical dependency services, or for  
5 transportation services.

6 6. (1) In fiscal years 2016 and 2017, in any county with a  
7 charter form of government and with more than nine hundred fifty  
8 thousand inhabitants that contains all or any portion of a school  
9 district that has been designated as unaccredited or  
10 provisionally accredited by the state board of education, up to  
11 five percent of the community children's services fund's yearly  
12 revenues, based on the total dollar amount needed to provide  
13 services as determined by a needs assessment, shall be devoted to  
14 a grant program that delivers services directly to schools in  
15 such districts according to the procedure in this subsection.  
16 The president of the school board shall notify the board of  
17 directors within five business days after such designation. The  
18 board shall, in its budget process for the following fiscal year,  
19 ensure that the total amount of funds needed to provide services  
20 based on the needs assessment is allocated according to this  
21 subsection, not to exceed five percent of the fund's yearly  
22 revenues. If the total amount of funds needed to provide such  
23 services exceeds five percent of the fund's yearly revenues, the  
24 funds shall be distributed in an order based on the greatest need  
25 for each district. Any moneys distributed from the fund to a  
26 district shall be subject to an annual audit.

27 (2) The board shall undertake a needs assessment for any  
28 such school district within ninety days after receipt of the

1 notice under this subsection. The needs assessment shall be used  
2 as a basis for comprehensive mental health wraparound services  
3 delivery for which the board shall contract as provided under  
4 subsection 3 of this section.

5 (3) The board shall appoint one of its members to a direct  
6 school service coordinating committee, which is hereby created.  
7 The board may appoint an additional one of its members to serve  
8 as an ex officio member. The board shall appoint a social worker  
9 to the committee. The school board of each affected district  
10 shall appoint two parents with a child enrolled in a public  
11 school in the district based on school district identification  
12 numbers from the department of elementary and secondary  
13 education, rotating year to year from highest number to lowest  
14 number. The school board of each affected district shall appoint  
15 a school services staff member. The superintendent of each  
16 affected district shall serve on the committee. An additional  
17 member from each affected district may be appointed to serve as  
18 an ex officio member.

19 (4) The direct school service coordinating committee shall  
20 provide recommendations and oversight to the program of  
21 contracted services under this subsection.

22 (5) If an additional district becomes unaccredited or  
23 provisionally accredited in the service area of the children's  
24 services fund, the general assembly shall review the percentage  
25 of revenue dedicated to the grant program for a possible  
26 increase.

27 (6) The provisions of this subsection shall terminate on  
28 June 30, 2017.

1           633.420. 1. For the purposes of this section, the term  
2 "dyslexia" means a disorder that is neurological in origin,  
3 characterized by difficulties with accurate and fluent word  
4 recognition, and poor spelling and decoding abilities that  
5 typically result from a deficit in the phonological component of  
6 language, often unexpected in relation to other cognitive  
7 abilities and the provision of effective classroom instruction,  
8 and of which secondary consequences may include problems in  
9 reading comprehension and reduced reading experience that can  
10 impede growth of vocabulary and background knowledge. Nothing in  
11 this section shall prohibit a district from assessing students  
12 for dyslexia and offering students specialized reading  
13 instruction if a determination is made that a student suffers  
14 from dyslexia. Unless required by federal law, nothing in this  
15 definition shall require a student with dyslexia to be  
16 automatically determined eligible as a student with a disability.

17           2. There is hereby created the "Legislative Task Force on  
18 Dyslexia". The joint committee on education shall provide  
19 technical and administrative support as required by the task  
20 force to fulfill its duties. The task force shall meet at least  
21 quarterly and may hold meetings by telephone or video conference.  
22 The task force shall advise and make recommendations to the  
23 governor, general assembly, and relevant state agencies regarding  
24 matters concerning individuals with dyslexia including education  
25 and other adult and adolescent services.

26           3. The task force shall be comprised of eighteen members  
27 consisting of the following:

28           (1) Four members of the general assembly, with two members



1 from the senate to be appointed by the president pro tempore and  
2 two members from the house of representatives to be appointed by  
3 the speaker of the house of representatives;

4 (2) The commissioner of education, or his or her designee;

5 (3) One representative from an institution of higher  
6 education located in this state with specialized expertise in  
7 dyslexia and reading instruction;

8 (4) A representative from a state teachers association or  
9 the Missouri National Education Association;

10 (5) A representative from the International Dyslexia  
11 Association of Missouri;

12 (6) A representative from Decoding Dyslexia of Missouri;

13 (7) A representative from the Missouri Association of  
14 Elementary School Principals;

15 (8) A representative from the Missouri Council of  
16 Administrators of Special Education;

17 (9) A professional licensed in the state of Missouri with  
18 experience diagnosing dyslexia including, but not limited to, a  
19 licensed psychologist, school psychologist, or neuropsychologist;

20 (10) A speech-language pathologist with training and  
21 experience in early literacy development and effective research-  
22 based intervention techniques for dyslexia, including an Orton-  
23 Gillingham remediation program recommended by the Missouri  
24 Speech-Language Hearing Association, or a certified academic  
25 language therapist recommended by the Academic Language  
26 Therapists Association who is a resident of this state;

27 (11) A representative from an independent private provider  
28 or nonprofit organization serving individuals with dyslexia;

1       (12) An assistive technology specialist with expertise in  
2 accessible print materials and assistive technology used by  
3 individuals with dyslexia recommended by the Missouri assistive  
4 technology council;

5       (13) One private citizen who has a child who has been  
6 diagnosed with dyslexia;

7       (14) One private citizen who has been diagnosed with  
8 dyslexia; and

9       (15) A representative of the Missouri State Council of the  
10 International Reading Association.

11       4. The members of the task force, other than the members  
12 from the general assembly and ex officio members, shall be  
13 appointed by the president pro tempore of the senate or the  
14 speaker of the house of representatives by September 1, 2015, by  
15 alternating appointments beginning with the president pro tempore  
16 of the senate. A chairperson shall be selected by the members of  
17 the task force. Any vacancy on the task force shall be filled in  
18 the same manner as the original appointment. Members shall serve  
19 on the task force without compensation.

20       5. The task force shall make recommendations for a  
21 statewide system for identification, intervention, and delivery  
22 of supports for students with dyslexia including the development  
23 of resource materials and professional development activities.  
24 These recommendations shall be included in a report to the  
25 governor and legislature and shall include findings and proposed  
26 legislation and shall be made available no longer than twelve  
27 months from the task force's first meeting.

28       6. The recommendations and resource materials developed by

1 the task force shall:

2 (1) Identify valid and reliable screening and evaluation  
3 assessments and protocols that can be used and the appropriate  
4 personnel to administer such assessments in order to identify  
5 children with dyslexia or the characteristics of dyslexia as part  
6 of an ongoing reading progress monitoring system, multi-tiered  
7 system of supports, and special education eligibility  
8 determinations in schools;

9 (2) Recommend an evidence-based reading instruction, with  
10 consideration of the National Reading Panel Report and Orton-  
11 Gillingham methodology principles for use in all Missouri  
12 schools, and intervention system, including a list of effective  
13 dyslexia intervention programs, to address dyslexia or  
14 characteristics of dyslexia for use by schools in multi-tiered  
15 systems of support and for services as appropriate for special  
16 education eligible students;

17 (3) Develop and implement preservice and inservice  
18 professional development activities to address dyslexia  
19 identification and intervention, including utilization of  
20 accessible print materials and assistive technology, within  
21 degree programs such as education, reading, special education,  
22 speech-language pathology, and psychology;

23 (4) Review teacher certification and professional  
24 development requirements as they relate to the needs of students  
25 with dyslexia;

26 (5) Examine the barriers to accurate information on the  
27 prevalence of students with dyslexia across the state and  
28 recommend a process for accurate reporting of demographic data;

1 and

2 (6) Study and evaluate current practices for diagnosing,  
3 treating, and educating children in this state and examine how  
4 current laws and regulations affect students with dyslexia in  
5 order to present recommendations to the governor and general  
6 assembly.

7 7. The task force shall hire or contract for hire  
8 specialist services to support the work of the task force as  
9 necessary with appropriations made by the general assembly for  
10 that purpose or from other available funding.

11 8. The task force authorized under this section shall  
12 automatically sunset on August 31, 2017, unless reauthorized by  
13 an act of the general assembly.

14 Section 1. 1. By September 1, 2015, each metropolitan  
15 school district at any time it is underperforming, each urban  
16 school district containing most or all of a home rule city with  
17 more than four hundred thousand inhabitants and located in more  
18 than one county at any time it is underperforming, and each  
19 district located in any county with a charter form of government  
20 and with more than nine hundred fifty thousand inhabitants at any  
21 time it is underperforming shall identify any district-owned  
22 buildings that are vacant and unused for classroom instruction.  
23 Each district shall obtain an outside appraisal of each such  
24 building.

25 2. Between September 1, 2015, and October 1, 2015, each  
26 district shall publicly list any such building for sale with no  
27 restrictions in the deed prohibiting such building from being  
28 used for education purposes.

1           3. Between October 1, 2015, and March 1, 2016, each  
2 district shall provide multiple opportunities for potential  
3 purchasers to tour the buildings. At such time, each potential  
4 purchaser may develop its own cost estimates, at the expense of  
5 the potential purchaser, for a building to be refurbished and  
6 brought into compliance with any required health, safety, or  
7 occupancy code. Each district shall provide public notice of the  
8 opportunities for potential purchasers to tour the buildings.

9           4. By March 1, 2016, the district shall place any such  
10 buildings that have not been sold into the level one pool.  
11 However, the district may designate up to thirty percent of such  
12 buildings as franchise buildings. For any franchise building,  
13 the district shall develop a plan to return the building to use  
14 within three school years.

15           5. By May 1, 2016, the district shall place any buildings  
16 not sold through the level one pool into the level two pool.

17           6. By July 1, 2016, the district shall place any buildings  
18 not sold through the level two pool into the level three pool.  
19 For any building sold through the level three pool, the district  
20 shall retain a reversionary interest in the building. If the  
21 purchaser is a charter school, the building shall revert to the  
22 district if the charter school ceases operation, subject to any  
23 deeds of trust that secure any financing of improvements to the  
24 property. If the purchaser is an entity other than a charter  
25 school, the building shall revert to the district after two years  
26 if the purchaser does not begin renovation, refurbishment, or a  
27 repurposing of the building during that time.

28           7. For purposes of this section, the following terms mean:

1       (1) "Certified public bidder", any public library, local  
2 community center, charter school, or political subdivision that  
3 has created and submitted to the school board a land use plan for  
4 a building described in subsection 1 of this section;

5       (2) "Level one pool", the time at which a district makes  
6 buildings available for sale at auction with a minimum starting  
7 price at fifty percent of the appraised value. Bidding is  
8 limited to certified public bidders only;

9       (3) "Level two pool", the time at which a district makes  
10 buildings available for sale at auction with a minimum starting  
11 price at twenty-five percent of the appraised value. Bidding is  
12 available to any public or private entity;

13       (4) "Level three pool", the time at which a district makes  
14 buildings available for sale for a nominal fee;

15       (5) "Underperforming", a school district that has been  
16 classified as unaccredited or provisionally accredited by the  
17 state board of education or has a three-year average annual  
18 performance report score consistent with a state board of  
19 education classification of provisionally accredited or  
20 unaccredited.

21       8. Any building that has remained in the level three pool  
22 for longer than six months may be demolished using funds from the  
23 reclamation and demolition fund. Subject to appropriations, a  
24 school district may receive an amount equal to twenty-five  
25 percent of the appraised value of the building to be demolished  
26 from the reclamation and demolition fund. There is hereby  
27 created in the state treasury the "The Reclamation and Demolition  
28 Fund", which shall consist of any moneys that the general

1 assembly may appropriate to the fund. The state treasurer shall  
2 be custodian of the fund. In accordance with sections 30.170 and  
3 30.180, the state treasurer may approve disbursements. The fund  
4 shall be a dedicated fund and, upon appropriation, moneys in the  
5 fund shall be used solely by the office of administration for the  
6 purposes of carrying out the provisions of this section.  
7 Notwithstanding the provisions of section 33.080 to the contrary,  
8 any moneys remaining in the fund at the end of the biennium shall  
9 not revert to the credit of the general revenue fund. The state  
10 treasurer shall invest moneys in the fund in the same manner as  
11 other funds are invested. Any interest and moneys earned on such  
12 investments shall be credited to the fund.

13 9. If any provision of this section, or the application  
14 thereof to anyone or to any circumstances is held invalid, the  
15 remainder of this section or this act and application of such  
16 provisions to others or other circumstances shall not be affected  
17 thereby.

18 Section 2. If any provision of this act, or the application  
19 thereof to anyone or to any circumstances is held invalid, the  
20 remainder of the provisions of this act and the application of  
21 such provisions to others or other circumstances shall not be  
22 affected thereby.

23 Section B. Because of the importance of improving and  
24 sustaining Missouri's elementary and secondary education system  
25 and establishing standards for student transfers to school  
26 districts, section A of this act is deemed necessary for the  
27 immediate preservation of the public health, welfare, peace, and  
28 safety, and is hereby declared to be an emergency act within the

1 meaning of the constitution, and section A of this act shall be  
2 in full force and effect upon its passage and approval.

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