

FIRST REGULAR SESSION

# SENATE BILL NO. 1

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0479S.03I

## AN ACT

To repeal sections 160.011, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 167.131, and 171.031, RSMo, and to enact in lieu thereof thirty-five new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.011, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 167.131, and 171.031, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 160.011, 160.400, 160.405, 160.408, 160.415, 160.417, 161.087, 161.238, 161.1000, 162.081, 162.1250, 162.1303, 162.1305, 162.1310, 162.1312, 163.021, 163.036, 167.131, 167.642, 167.685, 167.688, 167.730, 167.826, 167.827, 167.828, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 170.215, 170.320, and 171.031, to read as follows:

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

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

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

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

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

(b) Training of parents regarding how to be the primary teacher of their

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

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

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

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

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

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

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

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

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

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

48 of one thousand forty-four hours;

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

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

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

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

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

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

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

4 (1) In a metropolitan school district;

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

7 (3) In a school district that has been declared unaccredited;

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

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

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

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

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

35 (1) The school board of the district in any district which is sponsoring a  
36 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of  
37 subsection 2 of this section, the special administrative board of a metropolitan  
38 school district during any time in which powers granted to the district's board of  
39 education are vested in a special administrative board, or if the state board of  
40 education appoints a special administrative board to retain the authority granted  
41 to the board of education of an urban school district containing most or all of a  
42 city with a population greater than three hundred fifty thousand inhabitants, the  
43 special administrative board of such school district;

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

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

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

51 (5) Any two-year private vocational or technical school designated as a  
52 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as  
53 amended, which is a member of the North Central Association and accredited by  
54 the Higher Learning Commission, with its primary campus in Missouri; [or]

55 (6) The Missouri charter public school commission created in section  
56 160.425;

57 **(7) The school board of a district that is accredited without**  
58 **provisions by the state board of education, in a district classified as**

59 **unaccredited by the state board of education; or**

60 **(8) A combination of school boards of districts that are**  
61 **accredited without provisions by the state board of education in**  
62 **collaboration, in a district classified as unaccredited by the state board**  
63 **of education.**

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

67 (1) As a district transitions from unaccredited to provisionally accredited,  
68 the district shall continue to fall under the requirements for an unaccredited  
69 district until it achieves three consecutive full school years of provisional  
70 accreditation;

71 (2) As a district transitions from provisionally accredited to full  
72 accreditation, the district shall continue to fall under the requirements for a  
73 provisionally accredited district until it achieves three consecutive full school  
74 years of full accreditation;

75 (3) In any school district classified as unaccredited or provisionally  
76 accredited where a charter school is operating and is sponsored by an entity other  
77 than the local school board, when the school district becomes classified as  
78 accredited without provisions, a charter school may continue to be sponsored by  
79 the entity sponsoring it prior to the classification of accredited without provisions  
80 and shall not be limited to the local school board as a sponsor.

81 A charter school operating in a school district identified in subdivision (1) or (2)  
82 of subsection 2 of this section may be sponsored by any of the entities identified  
83 in subsection 3 of this section, irrespective of the accreditation classification of  
84 the district in which it is located. A charter school in a district described in this  
85 subsection whose charter provides for the addition of grade levels in subsequent  
86 years may continue to add levels until the planned expansion is complete to the  
87 extent of grade levels in comparable schools of the district in which the charter  
88 school is operated.

89 5. The mayor of a city not within a county may request a sponsor under  
90 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider  
91 sponsoring a "workplace charter school", which is defined for purposes of sections  
92 160.400 to 160.425 as a charter school with the ability to target prospective  
93 students whose parent or parents are employed in a business district, as defined  
94 in the charter, which is located in the city.

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

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

101           8. As a nonprofit corporation incorporated pursuant to chapter 355, the  
102 charter school shall select the method for election of officers pursuant to section  
103 355.326 based on the class of corporation selected. Meetings of the governing  
104 board of the charter school shall be subject to the provisions of sections 610.010  
105 to 610.030.

106           9. A sponsor of a charter school, its agents and employees are not liable  
107 for any acts or omissions of a charter school that it sponsors, including acts or  
108 omissions relating to the charter submitted by the charter school, the operation  
109 of the charter school and the performance of the charter school.

110           10. A charter school may affiliate with a four-year college or university,  
111 including a private college or university, or a community college as otherwise  
112 specified in subsection 3 of this section when its charter is granted by a sponsor  
113 other than such college, university or community college. Affiliation status  
114 recognizes a relationship between the charter school and the college or university  
115 for purposes of teacher training and staff development, curriculum and  
116 assessment development, use of physical facilities owned by or rented on behalf  
117 of the college or university, and other similar purposes. A university, college or  
118 community college may not charge or accept a fee for affiliation status.

119           11. The expenses associated with sponsorship of charter schools shall be  
120 defrayed by the department of elementary and secondary education retaining one  
121 and five-tenths percent of the amount of state and local funding allocated to the  
122 charter school under section 160.415, not to exceed one hundred twenty-five  
123 thousand dollars, adjusted for inflation. The department of elementary and  
124 secondary education shall remit the retained funds for each charter school to the  
125 school's sponsor, provided the sponsor remains in good standing by fulfilling its  
126 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with  
127 regard to each charter school it sponsors, including appropriate demonstration of  
128 the following:

129           (1) Expends no less than ninety percent of its charter school sponsorship  
130 funds in support of its charter school sponsorship program, or as a direct

131 investment in the sponsored schools;

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

136           (3) Negotiates contracts with charter schools that clearly articulate the  
137 rights and responsibilities of each party regarding school autonomy, expected  
138 outcomes, measures for evaluating success or failure, performance consequences,  
139 and other material terms;

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

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

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

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

151           14. No sponsor shall grant a charter under sections 160.400 to 160.425  
152 and 167.349 without ensuring that a criminal background check and family care  
153 safety registry check are conducted for all members of the governing board of the  
154 charter schools or the incorporators of the charter school if initial directors are  
155 not named in the articles of incorporation, nor shall a sponsor renew a charter  
156 without ensuring a criminal background check and family care registry check are  
157 conducted for each member of the governing board of the charter school.

158           15. No member of the governing board of a charter school shall hold any  
159 office or employment from the board or the charter school while serving as a  
160 member, nor shall the member have any substantial interest, as defined in  
161 section 105.450, in any entity employed by or contracting with the board. No  
162 board member shall be an employee of a company that provides substantial  
163 services to the charter school. All members of the governing board of the charter  
164 school shall be considered decision-making public servants as defined in section  
165 105.450 for the purposes of the financial disclosure requirements contained in  
166 sections 105.483, 105.485, 105.487, and 105.489.

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

168 (1) The review of a charter school proposal including an application that  
169 provides sufficient information for rigorous evaluation of the proposed charter and  
170 provides clear documentation that the education program and academic program  
171 are aligned with the state standards and grade-level expectations, and provides  
172 clear documentation of effective governance and management structures, and a  
173 sustainable operational plan;

174 (2) The granting of a charter;

175 (3) The performance framework that the sponsor will use to evaluate the  
176 performance of charter schools;

177 (4) The sponsor's intervention, renewal, and revocation policies, including  
178 the conditions under which the charter sponsor may intervene in the operation  
179 of the charter school, along with actions and consequences that may ensue, and  
180 the conditions for renewal of the charter at the end of the term, consistent with  
181 subsections 8 and 9 of section 160.405;

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

184 (6) Procedures to be implemented if a charter school should close,  
185 consistent with the provisions of subdivision (15) of subsection 1 of section  
186 160.405.

187 The department shall provide guidance to sponsors in developing such policies  
188 and procedures.

189 17. (1) A sponsor shall provide timely submission to the state board of  
190 education of all data necessary to demonstrate that the sponsor is in material  
191 compliance with all requirements of sections 160.400 to 160.425 and section  
192 167.349. The state board of education shall ensure each sponsor is in compliance  
193 with all requirements under sections 160.400 to 160.425 and 167.349 for each  
194 charter school sponsored by any sponsor. The state board shall notify each  
195 sponsor of the standards for sponsorship of charter schools, delineating both what  
196 is mandated by statute and what best practices dictate. The state board shall  
197 evaluate sponsors to determine compliance with these standards every three  
198 years. The evaluation shall include a sponsor's policies and procedures in the  
199 areas of charter application approval; required charter agreement terms and  
200 content; sponsor performance evaluation and compliance monitoring; and charter  
201 renewal, intervention, and revocation decisions. Nothing shall preclude the  
202 department from undertaking an evaluation at any time for cause.



203 (2) If the department determines that a sponsor is in material  
204 noncompliance with its sponsorship duties, the sponsor shall be notified and  
205 given reasonable time for remediation. If remediation does not address the  
206 compliance issues identified by the department, the commissioner of education  
207 shall conduct a public hearing and thereafter provide notice to the charter  
208 sponsor of corrective action that will be recommended to the state board of  
209 education. Corrective action by the department may include withholding the  
210 sponsor's funding and suspending the sponsor's authority to sponsor a school that  
211 it currently sponsors or to sponsor any additional school until the sponsor is  
212 reauthorized by the state board of education under section 160.403.

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

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

222 **18. When a sponsor notifies a charter school of closure under**  
223 **subsection 8 of section 160.405, the department of elementary and**  
224 **secondary education shall exercise its financial withholding authority**  
225 **under subsection 12 of section 160.415 to assure all obligations of the**  
226 **charter school shall be met. The state shall not be liable for any**  
227 **outstanding liability or obligations of the charter school. If the assets**  
228 **of the school are insufficient to pay all parties to whom the school owes**  
229 **compensation, the prioritization of the distribution of assets may be**  
230 **determined by a court of law.**

160.405. 1. A person, group or organization seeking to establish a charter  
2 school shall submit the proposed charter, as provided in this section, to a sponsor.  
3 If the sponsor is not a school board, the applicant shall give a copy of its  
4 application to the school board of the district in which the charter school is to be  
5 located and to the state board of education, within five business days of the date  
6 the application is filed with the proposed sponsor. The school board may file  
7 objections with the proposed sponsor, and, if a charter is granted, the school  
8 board may file objections with the state board of education. The charter shall

9 [be] **include** a legally binding performance contract that describes the  
10 obligations and responsibilities of the school and the sponsor as outlined in  
11 sections 160.400 to 160.425 and section 167.349 and shall [also include] **address**  
12 **the following:**

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

14 (2) A description of the charter school's organizational structure and  
15 bylaws of the governing body, which will be responsible for the policy, financial  
16 management, and operational decisions of the charter school, including the nature  
17 and extent of parental, professional educator, and community involvement in the  
18 governance and operation of the charter school;

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

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

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

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

27 (7) A description of the charter school's pupil performance standards and  
28 academic program performance standards, which shall meet the requirements of  
29 subdivision (6) of subsection 4 of this section. The charter school program shall  
30 be designed to enable each pupil to achieve such standards and shall contain a  
31 complete set of indicators, measures, metrics, and targets for academic program  
32 performance, including specific goals on graduation rates and standardized test  
33 performance and academic growth;

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

36 (9) The term of the charter, which shall be five years and shall be  
37 renewable;

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

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

43 (12) A description of the charter school's policies on student discipline and  
44 student admission, which shall include a statement, where applicable, of the

45 validity of attendance of students who do not reside in the district but who may  
46 be eligible to attend under the terms of judicial settlements and procedures that  
47 ensure admission of students with disabilities in a nondiscriminatory manner;

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

50 (14) A description of the agreement between the charter school and the  
51 sponsor as to when a sponsor shall intervene in a charter school, when a sponsor  
52 shall revoke a charter for failure to comply with subsection 8 of this section, and  
53 when a sponsor will not renew a charter under subsection 9 of this section;

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

56 (a) Orderly transition of student records to new schools and archival of  
57 student records;

58 (b) Archival of business operation and transfer or repository of personnel  
59 records;

60 (c) Submission of final financial reports;

61 (d) Resolution of any remaining financial obligations; and

62 (e) Disposition of the charter school's assets upon closure;

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

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

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

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

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

78 (1) A charter shall be submitted to the sponsor, and follow the sponsor's  
79 policies and procedures for review and granting of a charter approval, and be  
80 approved by the state board of education by [December first of the year] **January**

81 **thirty-first** prior to **the school year of** the proposed opening date of the  
82 charter school;

83 (2) A charter may be approved when the sponsor determines that the  
84 requirements of this section are met, determines that the applicant is sufficiently  
85 qualified to operate a charter school, and that the proposed charter is consistent  
86 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision  
87 of approval or denial shall be made within ninety days of the filing of the  
88 proposed charter;

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

92 (4) If a proposed charter is denied by a sponsor, the proposed charter may  
93 be submitted to the state board of education, along with the sponsor's written  
94 reasons for its denial. If the state board determines that the applicant meets the  
95 requirements of this section, that the applicant is sufficiently qualified to operate  
96 the charter school, and that granting a charter to the applicant would be likely  
97 to provide educational benefit to the children of the district, the state board may  
98 grant a charter and act as sponsor of the charter school. The state board shall  
99 review the proposed charter and make a determination of whether to deny or  
100 grant the proposed charter within sixty days of receipt of the proposed charter,  
101 provided that any charter to be considered by the state board of education under  
102 this subdivision shall be submitted no later than March first prior to the school  
103 year in which the charter school intends to begin operations. The state board of  
104 education shall notify the applicant in writing as the reasons for its denial, if  
105 applicable; and

106 (5) The sponsor of a charter school shall give priority to charter school  
107 applicants that propose a school oriented to high-risk students and to the reentry  
108 of dropouts into the school system. If a sponsor grants three or more charters,  
109 at least one-third of the charters granted by the sponsor shall be to schools that  
110 actively recruit dropouts or high-risk students as their student body and address  
111 the needs of dropouts or high-risk students through their proposed mission,  
112 curriculum, teaching methods, and services. For purposes of this subsection, a  
113 "high-risk" student is one who is at least one year behind in satisfactory  
114 completion of course work or obtaining high school credits for graduation, has  
115 dropped out of school, is at risk of dropping out of school, needs drug and alcohol  
116 treatment, has severe behavioral problems, has been suspended from school three

117 or more times, has a history of severe truancy, is a pregnant or parenting teen,  
118 has been referred for enrollment by the judicial system, is exiting incarceration,  
119 is a refugee, is homeless or has been homeless sometime within the preceding six  
120 months, has been referred by an area school district for enrollment in an  
121 alternative program, or qualifies as high risk under department of elementary  
122 and secondary education guidelines. "Dropout" shall be defined through the  
123 guidelines of the school core data report. The provisions of this subsection do not  
124 apply to charters sponsored by the state board of education.

125         3. If a charter is approved by a sponsor, the charter application shall be  
126 submitted to the state board of education, along with a statement of finding **by**  
127 **the sponsor** that the application meets the requirements of sections 160.400 to  
128 160.425 and section 167.349 and a monitoring plan under which the charter  
129 sponsor shall evaluate the academic performance of students enrolled in the  
130 charter school. The state board of education [may, within] **has sixty days**,  
131 **disapprove the granting of the charter.] from receipt of the charter**  
132 **application to approve or deny the application. Any charter**  
133 **application received by the state board of education on or before**  
134 **November fifteenth of the year prior to the proposed opening of the**  
135 **charter school shall be considered by the state board of education**  
136 **within the sixty-day period. At the conclusion of the sixty-day period,**  
137 **the charter application shall be deemed approved unless** the state board  
138 of education [may disapprove a] **disapproves the** charter on grounds that the  
139 application fails to meet the requirements of sections 160.400 to 160.425 and  
140 section 167.349 or that a charter sponsor previously failed to meet the statutory  
141 responsibilities of a charter sponsor. **Any disapproval of a charter**  
142 **application made by the state board of education shall be in writing**  
143 **and shall identify the specific failures of the application to meet the**  
144 **requirements of sections 160.400 to 160.425 and section 167.349, and the**  
145 **written disapproval shall be provided within ten business days to the**  
146 **sponsor.**

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

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

150         (2) Comply with laws and regulations of the state, county, or city relating  
151 to health, safety, and state minimum educational standards, as specified by the  
152 state board of education, including the requirements relating to student discipline

153 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal  
154 conduct to law enforcement authorities under sections 167.115 to 167.117,  
155 academic assessment under section 160.518, transmittal of school records under  
156 section 167.020, the minimum number of school days and hours required under  
157 section 160.041, and the employee criminal history background check and the  
158 family care safety registry check under section 168.133;

159 (3) Except as provided in sections 160.400 to 160.425, be exempt from all  
160 laws and rules relating to schools, governing boards and school districts;

161 (4) Be financially accountable, use practices consistent with the Missouri  
162 financial accounting manual, provide for an annual audit by a certified public  
163 accountant, publish audit reports and annual financial reports as provided in  
164 chapter 165, provided that the annual financial report may be published on the  
165 department of elementary and secondary education's internet website in addition  
166 to other publishing requirements, and provide liability insurance to indemnify the  
167 school, its board, staff and teachers against tort claims. A charter school that  
168 receives local educational agency status under subsection 6 of this section shall  
169 meet the requirements imposed by the Elementary and Secondary Education Act  
170 for audits of such agencies and comply with all federal audit requirements for  
171 charters with local education agency status. For purposes of an audit by petition  
172 under section 29.230, a charter school shall be treated as a political subdivision  
173 on the same terms and conditions as the school district in which it is located. For  
174 the purposes of securing such insurance, a charter school shall be eligible for the  
175 Missouri public entity risk management fund pursuant to section 537.700. A  
176 charter school that incurs debt shall include a repayment plan in its financial  
177 plan;

178 (5) Provide a comprehensive program of instruction for at least one grade  
179 or age group from kindergarten through grade twelve, which may include early  
180 childhood education if funding for such programs is established by statute, as  
181 specified in its charter;

182 (6) (a) Design a method to measure pupil progress toward the pupil  
183 academic standards adopted by the state board of education pursuant to section  
184 160.514, establish baseline student performance in accordance with the  
185 performance contract during the first year of operation, collect student  
186 performance data as defined by the annual performance report throughout the  
187 duration of the charter to annually monitor student academic performance, and  
188 to the extent applicable based upon grade levels offered by the charter school,

189 participate in the statewide system of assessments, comprised of the essential  
190 skills tests and the nationally standardized norm-referenced achievement tests,  
191 as designated by the state board pursuant to section 160.518, complete and  
192 distribute an annual report card as prescribed in section 160.522, which shall also  
193 include a statement that background checks have been completed on the charter  
194 school's board members, report to its sponsor, the local school district, and the  
195 state board of education as to its teaching methods and any educational  
196 innovations and the results thereof, and provide data required for the study of  
197 charter schools pursuant to subsection 4 of section 160.410. No charter school  
198 shall be considered in the Missouri school improvement program review of the  
199 district in which it is located for the resource or process standards of the  
200 program.

201 (b) For proposed high risk or alternative charter schools, sponsors shall  
202 approve performance measures based on mission, curriculum, teaching methods,  
203 and services. Sponsors shall also approve comprehensive academic and  
204 behavioral measures to determine whether students are meeting performance  
205 standards on a different time frame as specified in that school's charter. Student  
206 performance shall be assessed comprehensively to determine whether a high risk  
207 or alternative charter school has documented adequate student progress. Student  
208 performance shall be based on sponsor-approved comprehensive measures as well  
209 as standardized public school measures. Annual presentation of charter school  
210 report card data to the department of elementary and secondary education, the  
211 state board, and the public shall include comprehensive measures of student  
212 progress.

213 (c) Nothing in this subdivision shall be construed as permitting a charter  
214 school to be held to lower performance standards than other public schools within  
215 a district; however, the charter of a charter school may permit students to meet  
216 performance standards on a different time frame as specified in its charter. The  
217 performance standards for alternative and special purpose charter schools that  
218 target high-risk students as defined in subdivision (5) of subsection 2 of this  
219 section shall be based on measures defined in the school's performance contract  
220 with its sponsors;

221 (7) Comply with all applicable federal and state laws and regulations  
222 regarding students with disabilities, including sections 162.670 to 162.710, the  
223 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section  
224 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor

225 legislation;

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

228 (a) Documentation that the applicant has provided a copy of the  
229 application to the school board of the district in which the charter school is to be  
230 located, except in those circumstances where the school district is the sponsor of  
231 the charter school; and

232 (b) A statement outlining the reasons for approval or disapproval by the  
233 sponsor, specifically addressing the requirements of sections 160.400 to 160.425  
234 and 167.349.

235 5. (1) Proposed or existing high-risk or alternative charter schools may  
236 include alternative arrangements for students to obtain credit for satisfying  
237 graduation requirements in the school's charter application and  
238 charter. Alternative arrangements may include, but not be limited to, credit for  
239 off-campus instruction, embedded credit, work experience through an internship  
240 arranged through the school, and independent studies. When the state board of  
241 education approves the charter, any such alternative arrangements shall be  
242 approved at such time.

243 (2) The department of elementary and secondary education shall conduct  
244 a study of any charter school granted alternative arrangements for students to  
245 obtain credit under this subsection after three years of operation to assess  
246 student performance, graduation rates, educational outcomes, and entry into the  
247 workforce or higher education.

248 6. The charter of a charter school may be amended at the request of the  
249 governing body of the charter school and on the approval of the sponsor. The  
250 sponsor and the governing board and staff of the charter school shall jointly  
251 review the school's performance, management and operations during the first year  
252 of operation and then every other year after the most recent review or at any  
253 point where the operation or management of the charter school is changed or  
254 transferred to another entity, either public or private. The governing board of a  
255 charter school may amend the charter, if the sponsor approves such amendment,  
256 or the sponsor and the governing board may reach an agreement in writing to  
257 reflect the charter school's decision to become a local educational agency. In such  
258 case the sponsor shall give the department of elementary and secondary  
259 education written notice no later than March first of any year, with the  
260 agreement to become effective July first. The department may waive the March



261 first notice date in its discretion. The department shall identify and furnish a list  
262 of its regulations that pertain to local educational agencies to such schools within  
263 thirty days of receiving such notice.

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

266 (1) Participation in the statewide system of assessments, as designated  
267 by the state board of education under section 160.518;

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

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

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

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

275 8. (1) (a) A sponsor's intervention policies shall give schools clear,  
276 adequate, evidence-based, and timely notice of contract violations or performance  
277 deficiencies and mandate intervention based upon findings of the state board of  
278 education of the following:

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

282 b. The charter school's annual performance report results are below the  
283 district's annual performance report results based on the performance standards  
284 that are applicable to the grade level configuration of both the charter school and  
285 the district in which the charter school is located in three of the last four school  
286 years; and

287 c. The charter school is identified as a persistently lowest achieving school  
288 by the department of elementary and secondary education.

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

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

293 b. A violation of the law or the public trust that imperils students or  
294 public funds.

295 (c) A sponsor shall revoke a charter or take other appropriate remedial  
296 action, which may include placing the charter school on probationary status for

297 no more than twelve months, provided that no more than one designation of  
298 probationary status shall be allowed for the duration of the charter contract, at  
299 any time if the charter school commits a serious breach of one or more provisions  
300 of its charter or on any of the following grounds: failure to meet the performance  
301 contract as set forth in its charter, failure to meet generally accepted standards  
302 of fiscal management, failure to provide information necessary to confirm  
303 compliance with all provisions of the charter and sections 160.400 to 160.425 and  
304 167.349 within forty-five days following receipt of written notice requesting such  
305 information, or violation of law.

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

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

315 (4) The sponsor of a charter school shall establish procedures to conduct  
316 administrative hearings upon determination by the sponsor that grounds exist to  
317 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
318 to this subsection are subject to an appeal to the state board of education, which  
319 shall determine whether the charter shall be revoked.

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

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

326 9. (1) A sponsor shall take all reasonable steps necessary to confirm that  
327 each charter school sponsored by such sponsor is in material compliance and  
328 remains in material compliance with all material provisions of the charter and  
329 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all  
330 information necessary to confirm ongoing compliance with all provisions of its  
331 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
332 sponsor.

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

336 (a) The charter school has maintained results on its annual performance  
337 report that meet or exceed the district in which the charter school is located  
338 based on the performance standards that are applicable to the grade-level  
339 configuration of both the charter school and the district in which the charter  
340 school is located in three of the last four school years;

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

343 a. A negative balance in its operating funds;

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

346 c. Expenditures that exceed receipts for the most recently completed fiscal  
347 year;

348 (c) The charter is in compliance with its legally binding performance  
349 contract and sections 160.400 to 160.425 and section 167.349.

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

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

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

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

366 10. A school district may enter into a lease with a charter school for  
367 physical facilities.

368 11. A governing board or a school district employee who has control over

369 personnel actions shall not take unlawful reprisal against another employee at  
370 the school district because the employee is directly or indirectly involved in an  
371 application to establish a charter school. A governing board or a school district  
372 employee shall not take unlawful reprisal against an educational program of the  
373 school or the school district because an application to establish a charter school  
374 proposes the conversion of all or a portion of the educational program to a charter  
375 school. As used in this subsection, "unlawful reprisal" means an action that is  
376 taken by a governing board or a school district employee as a direct result of a  
377 lawful application to establish a charter school and that is adverse to another  
378 employee or an educational program.

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

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

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

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

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

394 **15. The department of elementary and secondary education shall**  
395 **calculate an annual performance report for each charter school and**  
396 **shall publish it in the same manner as annual performance reports are**  
397 **calculated and published for districts and attendance centers.**

**160.408. 1. A high-quality charter school is a charter school**  
2 **operating in the state of Missouri which meets the following**  
3 **requirements:**

4 **(1) Receives ninety percent or more of the total points on the**  
5 **annual performance report for three out of the last four school years**  
6 **by comparing points earned to the points possible on the annual**  
7 **performance report for three of the last four school years;**

8           **(2) Maintains a graduation rate of at least eighty percent for**  
9 **three of the last four school years, if the charter school provides a high**  
10 **school program;**

11           **(3) Is in material compliance with its legally binding**  
12 **performance contract and sections 160.400 to 160.425 and section**  
13 **167.349; and**

14           **(4) Is organizationally and fiscally viable as described in**  
15 **paragraph (b) of subdivision (2) of subsection 9 of section 160.405.**

16           **2. Notwithstanding any other provision of law, high quality**  
17 **charter schools shall be provided expedited opportunities to replicate**  
18 **and expand into unaccredited districts, a metropolitan district, or an**  
19 **urban school district containing most or all of the home rule city with**  
20 **more than four hundred thousand inhabitants and located in more than**  
21 **one county. Such replication and expansion shall be subject to the**  
22 **following:**

23           **(1) The school seeking to replicate or expand shall submit its**  
24 **proposed charter to a proposed sponsor. The charter shall include a**  
25 **legally binding performance contract that meets the requirements of**  
26 **sections 160.400 to 160.425 and section 167.349;**

27           **(2) The sponsor's decision to approve or deny shall be made**  
28 **within sixty days of the filing of the proposed charter with the**  
29 **proposed sponsor;**

30           **(3) If a charter is approved by a sponsor, the charter application**  
31 **shall be filed with the state board of education, along with a statement**  
32 **of finding from the sponsor that the application meets the requirements**  
33 **of sections 160.400 to 160.425 and section 167.349 and a monitoring plan**  
34 **under which the sponsor shall evaluate the academic performance of**  
35 **students enrolled in the charter school. Such filing shall be made by**  
36 **January thirty-first prior to the school year of the proposed opening**  
37 **date of the charter school.**

38           **3. The term of the charter for schools operating under this**  
39 **section shall be five years and shall be renewable. Renewal shall be**  
40 **subject to the provisions of paragraphs (a) to (d) of subdivision (3) of**  
41 **subsection 9 of section 160.405.**

160.415. 1. For the purposes of calculation and distribution of state  
2 school aid under section 163.031, pupils enrolled in a charter school shall be  
3 included in the pupil enrollment of the school district within which each pupil

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

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

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

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

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

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

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

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

40 program, the payment for such pupils shall be the same as provided under section  
41 162.1060.

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

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

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

76 other entity. Documented actual costs of such services shall be paid for by the  
77 charter school.

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

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

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

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

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

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

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

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

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

110           10. (1) The proportionate share of state and federal resources generated  
111 by students with disabilities or staff serving them shall be paid in full to charter



112 schools enrolling those students by their school district where such enrollment is  
113 through a contract for services described in this section. The proportionate share  
114 of money generated under other federal or state categorical aid programs shall  
115 be directed to charter schools serving such students eligible for that aid.

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

119 11. A charter school may not charge tuition[, nor may it] **or** impose fees  
120 that a school district is prohibited from **charging or** imposing.

121 12. A charter school is authorized to incur debt in anticipation of receipt  
122 of funds. A charter school may also borrow to finance facilities and other capital  
123 items. A school district may incur bonded indebtedness or take other measures  
124 to provide for physical facilities and other capital items for charter schools that  
125 it sponsors or contracts with. Upon the dissolution of a charter school, any  
126 liabilities of the corporation will be satisfied through the procedures of chapter  
127 355. The department of elementary and secondary education may withhold  
128 funding at a level the department determines to be adequate during a school's  
129 last year of operation until the department determines that school records,  
130 liabilities, and reporting requirements, including a full audit, are satisfied.

131 13. Charter schools shall not have the power to acquire property by  
132 eminent domain.

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

160.417. 1. By October 1, 2012, and by each October first thereafter, the  
2 sponsor of each charter school shall review the information submitted on the  
3 report required by section 162.821 to identify charter schools experiencing  
4 financial stress. The department of elementary and secondary education shall be  
5 authorized to obtain such additional information from a charter school as may be  
6 necessary to determine the financial condition of the charter school. Annually,  
7 a listing of charter schools identified as experiencing financial stress according  
8 to the provisions of this section shall be provided to the governor, speaker of the  
9 house of representatives, and president pro tempore of the senate by the  
10 department of elementary and secondary education.

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

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

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

15           (b) Has a combined balance of less than three percent of the amount  
16 expended from such funds during the previous fiscal year; or

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

19           3. The sponsor shall notify by November first the governing board of the  
20 charter school identified as experiencing financial stress. Upon receiving the  
21 notification, the governing board shall develop, or cause to have developed, and  
22 shall approve a budget and education plan on forms provided by the sponsor. The  
23 budget and education plan shall be submitted to the sponsor, signed by the  
24 officers of the charter school, within forty-five calendar days of notification that  
25 the charter school has been identified as experiencing financial  
26 stress. Minimally, the budget and education plan shall:

27           (1) Give assurances that adequate educational services to students of the  
28 charter school shall continue uninterrupted for the remainder of the current  
29 school year and that the charter school can provide the minimum number of  
30 school days and hours required by section 160.041;

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

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

36           4. Upon receipt and following review of any budget and education plan,  
37 the sponsor may make suggestions to improve the plan. Nothing in sections  
38 160.400 to 160.425 or section 167.349 shall exempt a charter school from  
39 submitting a budget and education plan to the sponsor according to the provisions  
40 of this section following each such notification that a charter school has been  
41 identified as experiencing financial stress, except that the sponsor may permit a  
42 charter school's governing board to make amendments to or update a budget and  
43 education plan previously submitted to the sponsor.

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

47           **6. The provisions of this section shall only apply to charter**  
48 **schools that have been in operation for three or more school**  
49 **years. This subsection shall not apply to funds received from the**  
50 **United States Department of Education.**

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

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

11           **2. The state board of education shall develop and implement a**  
12 **process to provide assistance teams to borderline districts as**  
13 **determined by the department of elementary and secondary education**  
14 **and to underperforming districts upon assignment of a classification**  
15 **designation of unaccredited or provisionally accredited or**  
16 **determination made by the state board of education. The composition**  
17 **and size of the team may vary, based on academic, demographic, and**  
18 **financial circumstances of the district, but in no case will the team**  
19 **have fewer than ten members, two of whom shall be active classroom**  
20 **teachers in the district, two of whom shall be principals, and one of**  
21 **whom shall be a parent of a student in the district. The department**  
22 **staff member assigned to the region in which the district is located may**  
23 **be included in the assistance team's activities but shall not be formally**  
24 **assigned to the team. The team shall provide both analysis of, at a**  
25 **minimum, the assessment data, classroom practices, and**  
26 **communication processes within buildings, within the district, and with**  
27 **the larger community, and prescriptions for improvement based on the**  
28 **district's and community's needs. Separate teams may be used to**  
29 **provide analysis and recommendations at the discretion of the state**  
30 **board. Beginning with school year 2015-16, the team shall provide its**  
31 **recommendations no later than June 30, 2016, for underperforming**  
32 **districts and borderline districts. The state board shall prioritize the**  
33 **assignment of teams so that the districts with the lower annual**

34 performance report scores are addressed first. The assistance team's  
35 suggestions for improvement shall be mandatory for underperforming  
36 districts but shall not be mandatory for borderline districts. If an  
37 underperforming district disagrees with any suggestion of the  
38 assistance team, the district shall propose a different method of  
39 accomplishing what the assistance team has suggested, and the state  
40 board of education shall be the final arbiter of the matter.

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

6 2. The state board of education may consider the classification  
7 designation of an attendance center in its accreditation classification  
8 system to exempt attendance centers, as that term is defined in section  
9 167.848, with classification numbers outside the range of numbers  
10 assigned to high schools, middle schools, junior high schools, or  
11 elementary schools. Public separate special education schools within  
12 a special school district are exempted from the accreditation  
13 requirements of this section. While not applicable for the purpose of  
14 accreditation, a special school district shall continue to report all  
15 scores on its annual performance report to the department of  
16 elementary and secondary education for all of its schools. Juvenile  
17 detention centers within a special school district are also exempted  
18 from the accreditation standards of this section.

19 3. Notwithstanding the provisions of subdivision (9) of section  
20 161.092, the rules and regulations promulgated under this section shall  
21 be effective thirty days after publication in the code of state  
22 regulations as provided in section 536.021 and shall not be subject to  
23 the two-year delay contained in subdivision (9) of section 161.092.

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

31 subsequently held unconstitutional, then the grant of rulemaking  
32 authority and any rule proposed or adopted after the effective date of  
33 this section shall be invalid and void.

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

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

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

8 (2) Developing options for school transfer finance formulas;

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

11 (4) Best practices and possible pilot projects to assist transient  
12 students.

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

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

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

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

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

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

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

27 (7) The lieutenant governor, or his or her designee.

28 4. The first meeting of the task force shall be called by the  
29 president pro tempore of the senate. The task force shall elect a  
30 presiding officer by a majority vote of the membership of the task  
31 force. Subsequent meetings of the task force shall be at the call of the  
32 presiding officer.

33 5. The task force shall make recommendations regarding the  
34 provisions of subsection 2 of this section. In making those

35 **recommendations, the task force shall receive reports and testimony**  
36 **from individuals, state and local agencies, experts and other public and**  
37 **private organizations.**

38 **6. The task force's recommendations may include proposals for**  
39 **specific statutory changes.**

40 **7. The members shall receive no compensation for their services**  
41 **on the task force but shall be reimbursed for ordinary and necessary**  
42 **expenses incurred in the performance of their duties.**

43 **8. By February 1, 2016, the task force shall report its findings**  
44 **and recommendations to the general assembly.**

45 **9. The provisions of this section shall expire on April 30, 2016.**

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

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

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

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

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

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

26 or

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

29 (a) Appoint a special administrative board for the operation of all or part  
30 of the district. **If a special administrative board is appointed for the**  
31 **operation of a part of a school district, the state board of education**  
32 **shall determine an equitable apportionment of state and federal aid for**  
33 **the part of the district, and the school district shall provide local**  
34 **revenue in proportion to the weighted average daily attendance of the**  
35 **part.** The number of members of the special administrative board shall not be  
36 less than five, the majority of whom shall be residents of the district. The  
37 members of the special administrative board shall reflect the population  
38 characteristics of the district and shall collectively possess strong experience in  
39 school governance, management and finance, and leadership. **The state board**  
40 **of education may appoint members of the district's elected school board**  
41 **to the special administrative board but members of the elected school**  
42 **board shall not comprise more than forty-nine percent of the special**  
43 **administrative board's membership.** Within fourteen days after the  
44 appointment by the state board of education, the special administrative board  
45 shall organize by the election of a president, vice president, secretary and a  
46 treasurer, with their duties and organization as enumerated in section  
47 162.301. The special administrative board shall appoint a superintendent of  
48 schools to serve as the chief executive officer of the school district, **or a subset**  
49 **of schools,** and to have all powers and duties of any other general  
50 superintendent of schools in a seven-director school district. **Nothing in this**  
51 **section shall be construed to permit either the state board of education**  
52 **or a special administrative board to raise, in any way not specifically**  
53 **allowed by law, the tax levy of the district or any part of the district**  
54 **without a vote of the people.** Any special administrative board appointed  
55 under this section shall be responsible for the operation of the district **or part**  
56 **of the district** until such time that the district is classified by the state board  
57 of education as provisionally accredited for at least two successive academic  
58 years, after which time the state board of education may provide for a transition  
59 pursuant to section 162.083; or

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

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

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

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

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

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

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

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

93 5. A special administrative board **or any other form of governance**  
94 appointed under this section shall retain the authority granted to a board of  
95 education for the operation of the lapsed school district under the laws of the  
96 state in effect at the time of the lapse and may enter into contracts with  
97 accredited school districts or other education service providers in order to deliver



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58           (5) Computer system requirements, including hardware, web browser, and

59 software, are specified to participants;

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

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

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

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

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

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

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

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

80 7. A school district or charter school may contract with multiple providers  
81 of virtual courses or virtual programs, provided they meet the criteria for virtual  
82 courses or virtual programs under this section.

**162.1303. 1. The department of elementary and secondary  
2 education shall annually calculate a transient student ratio for each  
3 attendance center and each school district. The department shall  
4 publish each district's and each attendance center's transient student  
5 ratio on its website.**

**6 2. The department shall include, or cause to be included, in each  
7 district's school accountability report card the transient student ratio  
8 of the district and of each attendance center operated by the district.**

**9 3. The department shall include in each attendance center's  
10 school accountability report card the transient student ratio for the  
11 attendance center.**

**12 4. The department shall publish on its website the state's**

13 **aggregate transient student ratio.**

14 **5. A transient student ratio shall be calculated as the product of:**

15 **(1) One hundred; and**

16 **(2) The quotient of:**

17 **(a) The sum of the number of resident full-time students and full-**  
18 **time equivalent number of part-time students who enroll in the district**  
19 **after the last Wednesday of September and the number of reentry**  
20 **students and the number of students who withdrew from the district**  
21 **during the school year; and**

22 **(b) The sum of the number of students who enrolled in the**  
23 **district on or before the last Wednesday in September and the number**  
24 **of students who enrolled in the district after the last Wednesday of**  
25 **September.**

26 **6. Each school district shall annually report to the department,**  
27 **by a date established by the department, any information and data**  
28 **required to comply with and perform the calculation required by the**  
29 **provisions of this section.**

30 **7. For purposes of this section, "reentry student" or "reentry**  
31 **students" means any student who was enrolled in a district, withdrew**  
32 **from the district, and reenrolled in the district.**

**162.1305. 1. For purposes of this section, "transient student"**  
2 **means any student who enrolls in a district after the last Wednesday of**  
3 **September or any reentry student as defined in section 162.1303.**

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

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

17 **4. In the third year of attendance and in any subsequent year of**

18 attendance, a transient student's status, progress, and growth score  
19 shall be weighted at one hundred percent when calculating the  
20 district's performance for purposes of the district's annual performance  
21 report score.

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

162.1312. The school board of any district that operates an  
2 underperforming school shall adopt a policy regarding the availability  
3 of home visits by school personnel. Pursuant to such policy, the school  
4 may offer to the parent or guardian of a student enrolled in any such  
5 school the opportunity to have at least one annual home visit and shall  
6 offer an opportunity for a meeting at the attendance center or a  
7 mutually agreeable site.

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

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

14 the minimum must be made up in one-half day or full day additions to the term,  
15 except as provided in section 171.033;

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

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

24 (4) Computes average daily attendance as defined in subdivision (2) of  
25 section 163.011 as modified by section 171.031. Whenever there has existed  
26 within the district an infectious disease, contagion, epidemic, plague or similar  
27 condition whereby the school attendance is substantially reduced for an extended  
28 period in any school year, the apportionment of school funds and all other  
29 distribution of school moneys shall be made on the basis of the school year next  
30 preceding the year in which such condition existed; **and**

31 **(5) Uses funds derived from the operating levy for school**  
32 **purposes to pay tuition remission for students who attend a**  
33 **nonsectarian private school under section 167.828 at any time that the**  
34 **district is classified as unaccredited by the state board of education.**

35 2. For the 2006-07 school year and thereafter, no school district shall  
36 receive more state aid, as calculated under subsections 1 and 2 of section 163.031,  
37 for its education program, exclusive of categorical add-ons, than it received per  
38 weighted average daily attendance for the school year 2005-06 from the  
39 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair  
40 share, and free textbook payment amounts, unless it has an operating levy for  
41 school purposes, as determined pursuant to section 163.011, of not less than two  
42 dollars and seventy-five cents after all adjustments and reductions. Any district  
43 which is required, pursuant to Article X, Section 22 of the Missouri Constitution,  
44 to reduce its operating levy below the minimum tax rate otherwise required under  
45 this subsection shall not be construed to be in violation of this subsection for  
46 making such tax rate reduction. Pursuant to Section 10(c) of Article X of the  
47 state constitution, a school district may levy the operating levy for school  
48 purposes required by this subsection less all adjustments required pursuant to  
49 Article X, Section 22 of the Missouri Constitution if such rate does not exceed the

50 highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section  
51 shall be construed to mean that a school district is guaranteed to receive an  
52 amount not less than the amount the school district received per eligible pupil for  
53 the school year 1990-91. The provisions of this subsection shall not apply to any  
54 school district located in a county of the second classification which has a nuclear  
55 power plant located in such district or to any school district located in a county  
56 of the third classification which has an electric power generation unit with a  
57 rated generating capacity of more than one hundred fifty megawatts which is  
58 owned or operated or both by a rural electric cooperative except that such school  
59 districts may levy for current school purposes and capital projects an operating  
60 levy not to exceed two dollars and seventy-five cents less all adjustments required  
61 pursuant to Article X, Section 22 of the Missouri Constitution.

62           3. No school district shall receive more state aid, as calculated in section  
63 163.031, for its education program, exclusive of categorical add-ons, than it  
64 received per eligible pupil for the school year 1993-1994, if the state board of  
65 education determines that the district was not in compliance in the preceding  
66 school year with the requirements of section 163.172, until such time as the board  
67 determines that the district is again in compliance with the requirements of  
68 section 163.172.

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

73           5. No school district shall receive more state aid, as calculated in  
74 subsections 1 and 2 of section 163.031, for its education program, exclusive of  
75 categorical add-ons, than it received per weighted average daily attendance for  
76 the school year 2005-06 from the foundation formula, line 14, gifted, remedial  
77 reading, exceptional pupil aid, fair share, and free textbook payment amounts, if  
78 the district did not comply in the preceding school year with the requirements of  
79 subsection 6 of section 163.031.

80           6. Any school district that levies an operating levy for school purposes  
81 that is less than the performance levy, as such term is defined in section 163.011,  
82 shall provide written notice to the department of elementary and secondary  
83 education asserting that the district is providing an adequate education to the  
84 students of such district. If a school district asserts that it is not providing an  
85 adequate education to its students, such inadequacy shall be deemed to be a



86 result of insufficient local effort. The provisions of this subsection shall not apply  
87 to any special district established under sections 162.815 to 162.940.

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

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

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

35 the district's apportionment the next succeeding year.

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

63           5. If a district receives state aid based on equalized assessed valuation as  
64 determined by subsection 4 of this section and if prior to such notice the district  
65 was paid state aid pursuant to section 163.031, the amount of state aid paid  
66 during the year of such notice and the first year following shall equal the sum of  
67 state aid paid pursuant to section 163.031 plus the difference between the state  
68 aid amount being paid after such notice minus the amount of state aid the district  
69 would have received pursuant to section 163.031 before such notice. To be  
70 eligible to receive state aid based on this provision the district must levy during

71 the first year following such notice at least the maximum levy permitted school  
72 districts by Article X, Section 11(b) of the Missouri Constitution and have a  
73 voluntary rollback of its tax rate which is no greater than one cent per one  
74 hundred dollars assessed valuation.

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

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

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

**167.642. 1. No underperforming district located in a county with**  
2 **a charter form of government and with more than nine hundred fifty**

3 thousand inhabitants shall promote a student from the fifth grade to  
4 the sixth grade or from the eighth grade to the ninth grade who has not  
5 scored at the proficient level or above on the statewide assessments in  
6 the areas of English language arts and mathematics.

7       2. Notwithstanding subsection 1 of this section, the provisions of  
8 this section shall not apply to any student with an individualized  
9 education program or any student receiving services through a plan  
10 prepared under Section 504 of the Rehabilitation Act of 1973.

167.685. 1. Any unaccredited district shall offer free tutoring and  
2 supplemental education services to students who are performing below  
3 grade level or identified by the district as struggling, using funds from  
4 the school district improvement fund to the extent that such funds are  
5 available. A district may implement the free tutoring services  
6 requirement by entering into a contract with a public library for online  
7 tutoring services as provided in section 170.215.

8       2. There is hereby created in the state treasury the "School  
9 District Improvement Fund". The fund shall consist of any gifts,  
10 bequests, or public or private donations to such fund. Any person or  
11 entity that makes a gift, bequest, or donation to the fund may specify  
12 the district that shall be the recipient of such gift, bequest, or donation.

13       3. The state treasurer shall be custodian of the fund. In  
14 accordance with sections 30.170 and 30.180, the state treasurer may  
15 approve disbursements of public money 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 donor did  
19 not specify how the private funds were to be disbursed, the state  
20 treasurer shall contact the donor to determine the manner of  
21 disbursement. The fund shall be a dedicated fund and, upon  
22 appropriation, money in the fund shall be used solely for the  
23 administration of this section. A district that receives money from the  
24 fund may use such money to cover the cost of online tutoring services  
25 provided through a contract with a public library under section  
26 170.215.

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

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

**167.688. Any underperforming district may perform any or all of**  
2 **the following actions, including but not limited to:**

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

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

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

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

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

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

13           **2. Beginning January 1, 2016, and every January first thereafter,**

14 every public school in the metropolitan school district or in any urban  
15 school district containing most or all of a home rule city with more  
16 than four hundred thousand inhabitants and located in more than one  
17 county, including charter schools, shall prepare a personalized learning  
18 plan for any kindergarten or first grade student whose most recent  
19 school-wide reading assessment result shows the student is working  
20 below grade level unless the student has been determined by other  
21 means in the current school year to be working at grade level or  
22 above. The provisions of this section shall not apply to students  
23 otherwise served under an individualized education program, to  
24 students receiving services through a plan prepared under Section 504  
25 of the Rehabilitation Act of 1973 that includes an element addressing  
26 reading below grade level, or to students determined to have limited  
27 English proficiency.

28         3. For any student in a metropolitan school district or in any  
29 urban school district containing most or all of a home rule city with  
30 more than four hundred thousand inhabitants and located in more than  
31 one county that is required by this section to have a personalized  
32 learning plan, the student's main teacher shall consult with the  
33 student's parent or guardian during the preparation of the plan and  
34 shall consult, as appropriate, any district personnel or department of  
35 elementary and secondary education personnel with necessary  
36 expertise to develop such a plan. The school shall require the written  
37 consent of the parent or guardian to implement the plan; however, if  
38 the school is unsuccessful in contacting the parent or guardian by  
39 January fifteenth, the school may send a letter by certified mail to the  
40 student's last known address stating its intention to implement the plan  
41 by February first.

42         4. After implementing the personalized learning plan through the  
43 end of the student's first grade year, the school shall refer any student  
44 who still performs below grade level for assessment to determine if an  
45 individualized education program is necessary for the student. A  
46 student who is assessed as not needing an individualized education  
47 program but who is reading below grade level at the end of the first  
48 grade shall continue to be required to have a personalized learning  
49 plan until the student is reading at grade level.

50         5. Notwithstanding any provision of law to the contrary, any

51 student in a metropolitan or in any urban school district containing  
52 most or all of a home rule city with more than four hundred thousand  
53 inhabitants and located in more than one county who is not reading at  
54 second-grade level by the end of second grade may be promoted to the  
55 third grade only under one of the following circumstances:

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

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

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

68 6. The metropolitan school district, any urban school district  
69 containing most or all of a home rule city with more than four hundred  
70 thousand inhabitants and located in more than one county, and each  
71 charter school located in them shall provide in its annual report card  
72 under section 160.522 the numbers and percentages by grade from first  
73 grade to tenth grade in each school of any students at any grade level  
74 who have been promoted who have been determined as reading below  
75 grade level, except that no reporting shall permit the identification of  
76 an individual student.

77 7. School districts and charter schools under this section may  
78 provide for a student promotion and retention program and a reading  
79 instruction program that are equivalent to those which are described  
80 in this section with the oversight and approval of the department of  
81 elementary and secondary education.

167.826. 1. Any student who is enrolled in and has attended an  
2 unaccredited school in an unaccredited district for at least one  
3 semester may transfer to another public school in the student's district  
4 of residence that offers the student's grade level of enrollment and that  
5 is accredited without provisions by the state board of  
6 education. However, no such transfer shall result in a class size and

7 assigned enrollment in a receiving school that exceeds the standards  
8 for class size and assigned enrollment as promulgated in the Missouri  
9 school improvement program's resource standards. If the student  
10 chooses to attend a magnet school, an academically selective school, or  
11 a school with a competitive entrance process within his or her district  
12 of residence that has admissions requirements, the student shall meet  
13 such admissions requirements in order to attend. The school board of  
14 each unaccredited district shall determine the capacity at each of the  
15 district's schools that is assigned a classification designation of  
16 accredited or accredited with distinction. The district's school board  
17 shall be responsible for coordinating transfers from unaccredited  
18 schools to accredited schools within the district. The school board of  
19 each unaccredited district shall annually report to the appropriate  
20 education authority the number of available slots in accredited schools  
21 within the district, the number of students who request to transfer  
22 within the district, and the number of such transfer requests that are  
23 granted.

24       2. Any student who is enrolled in and has attended an  
25 unaccredited school in an unaccredited district for at least one  
26 semester who is unable to transfer to another accredited school within  
27 his or her district of residence under subsection 1 of this section may  
28 apply to the appropriate education authority by March first to transfer  
29 to an accredited school within an accredited district located in the  
30 same or an adjoining county. Such a student may also apply to enroll  
31 in a nonsectarian private school as provided in section 167.828. A  
32 student who is eligible to begin kindergarten or first grade at an  
33 unaccredited school in an unaccredited district may apply to the  
34 appropriate education authority for a transfer if he or she resides in  
35 the attendance area of an unaccredited school in an unaccredited  
36 district on March first preceding the school year of first attendance. A  
37 student who does not apply by March first shall be required to enroll  
38 and attend for one semester to become eligible. If the student chooses  
39 to apply to attend a magnet school, an academically selective school, or  
40 a school with a competitive entrance process that has admissions  
41 requirements, the student shall furnish proof that he or she meets such  
42 admissions requirements. Any student who does not maintain  
43 residency in the attendance zone of his or her unaccredited school in



44 the unaccredited district of residence shall lose eligibility to  
45 transfer. Any student who transfers but later withdraws shall lose  
46 eligibility to transfer. The transfer provisions of this subsection shall  
47 not apply to a district created under sections 162.815 to 162.840 or to  
48 any early childhood programs or early childhood special education  
49 programs.

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

63 4. For a receiving district, no acceptance of a transfer student  
64 shall require any of the following actions, unless the board of education  
65 of the receiving district has approved the action:

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

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

70 (3) The construction of additional classrooms.

71 5. Each receiving district shall have the right to establish and  
72 adopt, by objective means, a policy for desirable class size and student-  
73 teacher ratios. A policy may allow for estimated growth in the resident  
74 student population. Any district that adopts such a policy shall do so  
75 by January 1 annually. A receiving district shall publish its policy and  
76 shall not be required to accept any transfer students under this section  
77 that would violate its class size or student-teacher ratio. If a student  
78 seeking to transfer is denied admission to a district based on a lack of  
79 space under the district's policy, the student or the student's parent or  
80 guardian may appeal the ruling to the state board of education if he or

81 she believes the district's policy is unduly restrictive to student  
82 transfers. If more than one student or parent appeals a denial of  
83 admission from the same district to the state board of education, the  
84 state board shall make an effort to hear such actions at the same time.  
85 If the state board of education finds that the district's policy is unduly  
86 restrictive to student transfers, the state board may limit the district's  
87 policy. The state board's decision shall be final.

88         6. (1) Each receiving district shall adopt a policy establishing a  
89 tuition rate by February first annually. The rate of tuition to be  
90 charged by the district attended and paid by the sending district is the  
91 per pupil cost of maintaining the receiving district's grade level  
92 grouping which includes the school attended. The cost of maintaining  
93 a grade level grouping shall be determined by the board of education  
94 of the receiving district but in no case shall it exceed all amounts spent  
95 for teachers' wages, incidental purposes, debt service, maintenance,  
96 and replacements. The term "debt service", as used in this section,  
97 means expenditures for the retirement of bonded indebtedness and  
98 expenditures for interest on bonded indebtedness. Per pupil cost of the  
99 grade level grouping shall be determined by dividing the cost of  
100 maintaining the grade level grouping by the average daily pupil  
101 attendance. However, at no time shall a receiving district receive  
102 tuition from a sending district that exceeds the receiving district's per  
103 pupil expenditure for its resident students. If there is disagreement as  
104 to the amount of tuition to be paid, the facts shall be submitted to the  
105 state board of education, and its decision in the matter shall be final.

106         (2) If any receiving district chooses to charge a rate of tuition  
107 that is seventy percent or less of the per-pupil cost of maintaining the  
108 sending district's grade level grouping as calculated under subdivision  
109 (1) of this subsection, then no statewide assessment scores and no other  
110 performance data for those students whom the district received shall  
111 be used for five school years when calculating the performance of the  
112 receiving district for purposes of the Missouri school improvement  
113 program. For any district that chooses to charge such a rate under this  
114 subdivision, the department of elementary and secondary education  
115 shall consider such action as an additional criterion when determining  
116 whether to assign the receiving district a classification of accredited  
117 with distinction.

118           **(3) The school board of a receiving district, upon a majority vote**  
119 **of the board, may choose to charge a rate of tuition less than the**  
120 **amount that would otherwise be calculated under this subsection. If**  
121 **the school board of a receiving district, upon a majority vote of the**  
122 **board, chooses to charge a rate of tuition that is less than ninety**  
123 **percent of the rate that would otherwise be calculated under this**  
124 **subsection, ten percent of the receiving district's tuition rate shall be**  
125 **paid from the supplemental tuition fund. There is hereby created in**  
126 **the state treasury the "Supplemental Tuition Fund". The fund shall**  
127 **consist of any moneys appropriated annually by the general assembly**  
128 **from general revenue to such fund, any moneys paid into the state**  
129 **treasury and required by law to be credited to such fund and any gifts,**  
130 **bequests or public or private donations to such fund. The state**  
131 **treasurer shall be custodian of the fund. The department of elementary**  
132 **and secondary education shall administer the fund. In accordance with**  
133 **sections 30.170 and 30.180, the state treasurer may approve**  
134 **disbursements. The fund shall be a dedicated fund and, upon**  
135 **appropriation, money in the fund shall be used solely for the**  
136 **administration of this section. Notwithstanding the provisions of**  
137 **section 33.080 to the contrary, any moneys remaining in the fund at the**  
138 **end of the biennium shall not revert to the credit of the general**  
139 **revenue fund. The state treasurer shall invest moneys in the fund in**  
140 **the same manner as other funds are invested. Any interest and moneys**  
141 **earned on such investments shall be credited to the fund.**

142           **(4) Any school district that received transfer students in the**  
143 **2013-2014 or 2014-2015 school years may adjust the tuition paid by the**  
144 **sending district to seventy percent of the per-pupil cost of maintaining**  
145 **the sending district's grade level grouping as calculated under**  
146 **subdivision (1) of this subsection. In such a situation, no statewide**  
147 **assessment scores and no other performance data for those students**  
148 **shall be used for five school years when calculating the receiving**  
149 **district's performance for purposes of the Missouri school improvement**  
150 **program.**

151           **7. If an unaccredited district becomes classified as provisionally**  
152 **accredited or accredited without provisions by the state board of**  
153 **education, any resident student of the unaccredited district who has**  
154 **transferred to an accredited district in the same or an adjoining county**

155 or to a nonsectarian private school in the district of residence shall be  
156 permitted to continue his or her educational program in the receiving  
157 district or nonsectarian private school through the completion of  
158 middle school, junior high school, or high school, whichever occurs  
159 first, except that a student who attends any school serving students  
160 through high school graduation but starting at grades lower than ninth  
161 grade shall be permitted to complete high school in the school to which  
162 he or she has transferred.

163 8. The student's district of residence may provide transportation  
164 for him or her to attend another accredited district but shall not be  
165 required to do so.

166 9. Notwithstanding the provisions of subsection 6 of this section  
167 to the contrary, where costs associated with the provision of special  
168 education and related services to a student with a disability exceed the  
169 tuition amount established under this section, the unaccredited district  
170 shall remain responsible to pay the excess cost to the receiving  
171 district. When the receiving district is a component district of a special  
172 school district, the unaccredited district, including any metropolitan  
173 school district, shall contract with the special school district for the  
174 entirety of the costs to provide special education and related services,  
175 excluding transportation pursuant to this section. The special school  
176 district may contract with an unaccredited district, including any  
177 metropolitan district, for the provision of transportation of a student  
178 with a disability or the unaccredited district may provide  
179 transportation on its own.

180 10. A special school district shall continue to provide special  
181 education and related services, with the exception of transportation  
182 under this section, to a student with a disability transferring from an  
183 unaccredited school within a component district to an accredited  
184 school within the same or a different component district within the  
185 special school district.

186 11. When any metropolitan school district is declared  
187 unaccredited, it shall remain responsible for the provision of special  
188 education and related services, including transportation, to students  
189 with disabilities. A special school district in an adjoining county to a  
190 metropolitan school district may contract with the metropolitan school  
191 district for the reimbursement of special education services pursuant

192 to sections 162.705 and 162.710 provided by the special school district  
193 for transfer students who are residents of the unaccredited district.

194 12. Regardless of whether transportation is identified as a  
195 related service within a student's individualized education program, a  
196 receiving district that is not part of a special school district shall not  
197 be responsible for providing transportation to a student transferring  
198 under this section. An unaccredited district may contract with a  
199 receiving district that is not part of a special school district pursuant  
200 to sections 162.705 and 162.710 for transportation of students with  
201 disabilities.

202 13. When a seven-director school district or urban school district  
203 is declared unaccredited, it may contract with a receiving district that  
204 is not part of a special school district in the same or an adjoining  
205 county for the reimbursement of special education and related services  
206 pursuant to sections 162.705 and 162.710 provided by the receiving  
207 district for transfer students who are residents of the unaccredited  
208 district.

167.827. 1. By August 1, 2015, and by January first annually,  
2 each accredited district any portion of which is located in the same  
3 county as or in an adjoining county to an unaccredited district shall  
4 report to the education authority for the county in which the  
5 unaccredited district is located its number of available enrollment slots  
6 by grade level. Each unaccredited district shall report the number of  
7 available enrollment slots in the accredited schools of the  
8 district. Each nonsectarian private school in the unaccredited district  
9 that wishes to receive transfer students shall provide the information  
10 required under this subsection by the same date.

11 2. Any education authority whose geographic area includes an  
12 unaccredited district shall make information and assistance available  
13 to parents or guardians who intend to transfer their child from an  
14 unaccredited school in an unaccredited district to an accredited  
15 district or nonsectarian private school under section 167.826.

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

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

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

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

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

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

42           5. An education authority may deny a transfer to a student who  
43 in the most recent school year has been suspended from school two or  
44 more times or who has been suspended for an act of school violence  
45 under subsection 2 of section 160.261. A student whose transfer is  
46 initially precluded under this subsection may be permitted to transfer  
47 on a provisional basis as a probationary transfer student, subject to no  
48 further disruptive behavior, upon a statement from the student's  
49 current school that the student is not disruptive. A student who is  
50 denied a transfer under this subsection has the right to an in-person  
51 meeting with a representative of the authority. Each education  
52 authority shall develop administrative guidelines to provide common  
53 standards for determining disruptive behavior which shall include, but  
54 not be limited to, criteria under the safe schools act.

167.828. 1. The school board of any unaccredited district located  
2 in any city not within a county, any county with a charter form of  
3 government and with more than nine hundred fifty thousand

4 inhabitants, or in any county with a charter form of government and  
5 with more than six hundred thousand but fewer than seven hundred  
6 thousand inhabitants that operates an unaccredited school shall pay  
7 tuition for any student who has enrolled in and attended an  
8 unaccredited school in the district for one semester to attend a  
9 nonsectarian private school, as defined in section 167.848, located in his  
10 or her district of residence and is assigned to such school by the  
11 education authority.

12       2. The tuition amount shall be paid from the district's operating  
13 levy for school purposes but shall not exceed the lesser of:

14       (1) The nonsectarian private school's tuition rate; or

15       (2) Seventy percent of the unaccredited district's cost of  
16 maintaining a grade level grouping using the calculation provided in  
17 subdivision (1) of subsection 6 of section 167.826.

18       3. A nonsectarian private school shall qualify to receive tuition  
19 payments under this section only if it satisfies the following conditions:

20       (1) Is accredited by the North Central Association Commission  
21 On Accreditation and School Improvement or demonstrates similar  
22 academic quality credentials to the department of elementary and  
23 secondary education;

24       (2) Administers or allows for the administration of the statewide  
25 assessments in English language arts and mathematics for transfer  
26 students;

27       (3) Complies with all health and safety laws or codes that apply  
28 to nonpublic schools;

29       (4) Holds a valid occupancy permit if required by its  
30 municipality;

31       (5) Certifies that it will not discriminate in admissions on the  
32 basis of race, color, religion, national origin, or disability;

33       (6) For all students enrolled in the school under the nonsectarian  
34 private school option set forth in subsection 2 of section 167.826,  
35 complies with the following statutes and any regulations promulgated  
36 thereunder by the department of elementary and secondary education:  
37 sections 43.408, 43.540, 160.041, 160.045, 160.257, 160.261, 160.262,  
38 160.263, 160.518 for statewide assessments, the cost of which shall be  
39 paid consistent with the manner in which they are paid for students in  
40 public schools, 160.522, 160.539, 160.570, 160.660, 160.775, 160.1990,

41 161.102, 161.650, 161.850, 162.014, 162.068, 162.069, 162.208, 162.215,  
42 162.401, 162.670, 162.720, subdivisions (1) to (3) of 162.821, 162.1125,  
43 162.1250, subdivisions (1) and (2) of subsection 1 of section 163.021 for  
44 eligibility to receive local funds but compliance with these subdivisions  
45 shall not make a nonsectarian private school eligible to receive state  
46 funding under section 163.031; 167.018, 167.019, 167.020, 167.022, 167.023,  
47 167.031, 167.115, 167.117, 167.122, 167.123, 167.161, 167.166, 167.171,  
48 167.181, 167.191, 167.208, 167.211, 167.227, 167.268, 167.275, 167.280,  
49 167.621 to 167.635, 167.645, 167.700, 167.720, 167.765, 170.005, 170.011,  
50 170.051, 170.315, 170.340, 171.021, 171.031, 171.033, 171.053, 171.151,  
51 171.171, 178.530, 182.815, 182.817, 191.765 to 191.777, 210.003, 210.110,  
52 210.115, 210.145, 210.150, 210.165, 210.167, 210.760, 210.865, 211.032,  
53 211.034, 211.181, 211.185, 211.188, 320.010, 452.375, 452.376, and  
54 544.193. Nothing in this subdivision shall be construed to exempt the  
55 nonsectarian private school from other statutes and regulations which  
56 applied to the nonsectarian schools as of January 1, 2015;

57 (7) Furnishes to the department of elementary and secondary  
58 education all necessary data for the calculation of an annual  
59 performance report score, which the department shall calculate for  
60 each participating nonsectarian private school. At the option of the  
61 nonsectarian private school, such score shall be based upon only the  
62 records pertaining to students enrolled in the school through the  
63 transfer program or for all students if the school chooses to administer  
64 state testing to all students;

65 (8) Where applicable, contracts with a special school district to  
66 provide special education services to eligible students on the same  
67 terms as public schools, and the costs associated with the services shall  
68 be paid in the same manner;

69 (9) Certifies to the department of elementary and secondary  
70 education and to the unaccredited district that it shall accept the  
71 tuition amount specified in subsection 2 of this section as payment in  
72 full for the transfer student and shall not require the parent or  
73 guardian to pay any additional amount for tuition; and

74 (10) Files with the department of elementary and secondary  
75 education, the appropriate education authority, and the unaccredited  
76 district a statement of intent to accept transfer students that includes  
77 the information listed in this subsection.



78           4. When the percentage of transfer students at a nonsectarian  
79 private school receiving transfer students under this section reaches  
80 twenty-five percent of the school's enrollment, the school shall conform  
81 to the Missouri school improvement program performance standards to  
82 continue its eligibility to receive transfer students under this section.

83           5. Tuition for a student who attends a nonsectarian private  
84 school shall be paid only using funds received by the district from the  
85 operating levy for school purposes.

86           6. The student's district of residence may provide transportation  
87 for him or her to attend a nonsectarian private school located within  
88 the district but shall not be required to do so.

89           7. (1) The option for any student who has enrolled in and  
90 attended an unaccredited school in an unaccredited district for one  
91 semester to attend a nonsectarian private school as provided in this  
92 section shall become effective only after the governing body of an  
93 unaccredited district, as specified in subsection 1 of this section,  
94 submits to the district's voters at a general election a proposal to  
95 authorize the governing body to use funds derived from the operating  
96 levy for school purposes to pay tuition at a nonsectarian private school  
97 for students assigned to an unaccredited school in the district under  
98 sections 167.826 to 167.828 and such proposal is approved by the voters  
99 of the district as provided in this subsection. The governing body of  
100 the school district shall submit the proposal to the voters of the district  
101 at the next general election after the decision of the state board of  
102 education declaring the district unaccredited for which the deadline  
103 for submission of such ballot proposals is open. The ballot proposal  
104 presented to the local voters shall contain substantially the following  
105 language:

106           Shall the (school district's name) allow the use of the district's  
107 local operating funds for school purposes to pay tuition at nonsectarian  
108 private schools for students who are assigned to an unaccredited public  
109 school in the district and who apply to transfer to nonsectarian private  
110 schools under section 167.828, RSMo?

111                            YES                            NO

112           If a majority of the votes cast on the question by the qualified voters  
113 voting thereon is in favor of the question, the option for students to

114 transfer to a nonsectarian private school shall become effective in that  
115 district the next school year. If a majority of the votes cast on the  
116 question by the qualified voters voting thereon is opposed to the  
117 question, the option shall not become effective unless and until the  
118 proposal is resubmitted under this subsection to the qualified voters at  
119 a general election and such proposal is approved by a majority of the  
120 qualified voters voting on the proposal.

121 (2) Whenever the governing body of a school district specified in  
122 subsection 1 of this section that has not authorized the use of its local  
123 operating funds for school purposes as provided in this subsection  
124 receives a petition from a nonsectarian private school, signed by the  
125 school's chief operating officer, calling for an election to authorize the  
126 use of local operating funds for school purposes to pay tuition at a  
127 private nonsectarian school under this subsection, the governing body  
128 shall submit to the voters a proposal to authorize such use of funds at  
129 the next general election for which the deadline for submission of such  
130 ballot proposals is open. If a majority of the votes cast on the question  
131 by the qualified voters voting thereon is in favor of the proposal, the  
132 option for students to transfer to a nonsectarian private school shall  
133 become effective in that district the next school year. If a majority of  
134 the votes cast on the proposal by the qualified voters voting thereon is  
135 opposed to the proposal, the option shall not become effective unless  
136 and until the proposal is resubmitted under this subsection to the  
137 qualified voters at a general election and such proposal is approved by  
138 a majority of the qualified voters voting on the proposal.

139 8. Notwithstanding the provisions of subsection 7 of this section  
140 to the contrary, if any district remains classified as unaccredited by the  
141 state board of education for three consecutive years, resident students  
142 of the district shall be eligible to enroll in and attend a nonsectarian  
143 private school located in the district of residence and have tuition paid  
144 by the district school board under this section, irrespective of whether  
145 the district voters have approved a proposal to authorize the district's  
146 governing body to use local operating funds for school purposes to pay  
147 tuition at a nonsectarian private school.

148 9. Notwithstanding the provisions of subsection 2 of this section  
149 to the contrary, where costs associated with the provision of special  
150 education and related services to a student with a disability exceed the

151 tuition amount established under this section, the unaccredited district  
152 shall remain responsible to pay the excess cost to the nonsectarian  
153 private school.

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

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

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

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

34 4. The term length of each initial appointee shall be designated

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

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

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

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

71       8. The authority shall have the following powers, together with

72 all powers incidental thereto or necessary for the performance thereof  
73 to:

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

75 (2) Adopt bylaws for the regulation of its affairs and the conduct  
76 of its business;

77 (3) Sue and be sued and to prosecute and defend, at law or in  
78 equity, in any court having jurisdiction of the subject matter and of the  
79 parties;

80 (4) Establish and use a corporate seal and to alter the same at  
81 pleasure;

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

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

86 (7) Coordinate student transfers from unaccredited schools in  
87 unaccredited districts located in its jurisdiction, as provided by law;  
88 and

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

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

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

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

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

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

17           3. The authority shall consist of five members appointed by the  
18 governor, by and with the advice and consent of the senate, each of  
19 whom shall be a resident of the state. Three members shall be  
20 residents of an urban school district containing most or all of a home  
21 rule city with more than four hundred thousand inhabitants and  
22 located in more than one county. One member shall be a resident of a  
23 school district located in a county with a charter form of government  
24 and with more than six hundred thousand but fewer than seven  
25 hundred thousand inhabitants. Such member shall be a resident of a  
26 school district other than an urban school district containing most or  
27 all of a home rule city with more than four hundred thousand  
28 inhabitants and located in more than one county. One member shall be  
29 a resident of a school district located in a county adjoining to a county  
30 with a charter form of government and with more than six hundred  
31 thousand but fewer than seven hundred thousand inhabitants. The  
32 members shall reflect the population characteristics of the districts  
33 they represent. Not more than three of the five members of the  
34 authority shall be of the same political party. The length of term for

35 members shall be six years except for the initial members, who shall be  
36 appointed in the following manner:

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

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

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

58 6. One member of the authority, designated by the governor for  
59 the purpose, shall call and convene the initial organizational meeting  
60 of the authority and shall serve as its president pro tempore. At the  
61 initial meeting and annually thereafter, the authority shall elect one of  
62 its members as president. The authority may appoint an executive  
63 director who shall not be a member of the authority and who shall  
64 serve at its pleasure. If an executive director is appointed, he or she  
65 shall receive such compensation as shall be fixed from time to time by  
66 action of the authority. The authority shall appoint a member as  
67 secretary who shall keep a record of the proceedings of the authority  
68 and shall be the custodian of all books, documents, and papers filed  
69 with the authority, the minute books or journal thereof, and its official  
70 seal. The secretary may cause copies to be made of all minutes and  
71 other records and documents of the authority and may give certificates

72 under the official seal of the authority to the effect that the copies are  
73 true and correct copies, and all persons dealing with the authority may  
74 rely on such certificates. The authority, by resolution duly adopted,  
75 shall fix the powers and duties of its executive director as it may, from  
76 time to time, deem proper and necessary.

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

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

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

83 (2) Adopt bylaws for the regulation of its affairs and the conduct  
84 of its business;

85 (3) Sue and be sued and to prosecute and defend, at law or in  
86 equity, in any court having jurisdiction of the subject matter and of the  
87 parties;

88 (4) Establish and use a corporate seal and to alter the same at  
89 pleasure;

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

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

94 (7) Coordinate student transfers from unaccredited schools in  
95 unaccredited districts located in its jurisdiction, as provided by law;  
96 and

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

167.839. 1. There is hereby created in the state treasury the  
2 "Kansas City Area Education Authority Fund". The fund shall consist  
3 of any gifts, bequests or public or private donations to such fund. Any  
4 moneys in the fund shall be used to fund the operations of the  
5 education authority. The state treasurer shall be custodian of the fund.  
6 In accordance with sections 30.170 and 30.180, the state treasurer may  
7 approve disbursements of public money in accordance with distribution  
8 requirements and procedures developed by the department of  
9 elementary and secondary education and shall make disbursements of  
10 private money according to the direction of the donor. If the donor did



11 not specify how the private funds were to be disbursed, the state  
12 treasurer shall contact the donor to determine the manner of  
13 disbursement. The fund shall be a dedicated fund and, upon  
14 appropriation, money in the fund shall be used solely for the  
15 administration of sections 167.836 and 167.839.

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

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

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

10 (1) Any city not within a county;

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

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

16 2. Whenever any district located in the statewide education  
17 authority's jurisdiction is assigned a classification designation of  
18 unaccredited by the state board of education, the authority shall  
19 coordinate student transfers from unaccredited schools in the  
20 unaccredited district to accredited districts in the same or an adjoining  
21 county, and if applicable, to nonsectarian private schools.

22 3. The authority shall consist of five members to be appointed by  
23 the governor, by and with the advice and consent of the senate, each of  
24 whom shall be a resident of the state. The members shall reflect the  
25 population characteristics of the districts they represent. Not more  
26 than three of the five members of the authority shall be of the same

27 political party. The governor shall not appoint members to the  
28 authority until the state board of education gives notice that a district  
29 in the authority's jurisdiction has been declared unaccredited. The  
30 length of term for members shall be six years except for the initial  
31 members, who shall be appointed in the following manner:

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

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

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

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

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

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

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

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

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

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

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

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

78 (2) Adopt bylaws for the regulation of its affairs and the conduct  
79 of its business;

80 (3) Sue and be sued and to prosecute and defend, at law or in  
81 equity, in any court having jurisdiction of the subject matter and of the  
82 parties;

83 (4) Establish and use a corporate seal and to alter the same at  
84 pleasure;

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

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

89 (7) Coordinate student transfers from unaccredited schools in  
90 unaccredited districts located in its jurisdiction, as provided by law;  
91 and

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

167.845. 1. There is hereby created in the state treasury the  
2 "Statewide Education Authority Fund". The fund shall consist of any  
3 gifts, bequests, or public or private donations to such fund. Any  
4 moneys in the fund shall be used to fund the operations of the  
5 education authority. The state treasurer shall be custodian of the fund.  
6 In accordance with sections 30.170 and 30.180, the state treasurer may  
7 approve disbursements of public money in accordance with distribution

8 requirements and procedures developed by the department of  
9 elementary and secondary education and shall make disbursement of  
10 private funds according to the directions of the donor. If the donor did  
11 not specify how the private funds were to be disbursed, the state  
12 treasurer shall contact the donor to determine the manner of  
13 disbursement. The fund shall be a dedicated fund and, upon  
14 appropriation, money in the fund shall be used solely for the  
15 administration of sections 167.842 and 167.845.

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

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

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

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

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

12 (3) "Attendance center", a public school building or buildings or  
13 part of a school building that constitutes one unit for accountability  
14 purposes under the Missouri school improvement program;

15 (4) "Borderline district", a school district that has a current  
16 annual performance report score between seventy-five and seventy with  
17 the last two consecutive years showing a decline in the score, with a  
18 district third-grade or eighth-grade statewide reading assessment that  
19 shows fifty percent or more of the students are at a level less than  
20 proficient, and a transient student ratio in the top quartile of districts;

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

23 (6) "Nonsectarian school", "nonsectarian private school" or

24 "private nonsectarian school", a school that is not part of the public  
25 school system of the state of Missouri, that charges tuition for the  
26 rendering of elementary and secondary educational services, and that  
27 is not disqualified from accepting public funds by any provision of the  
28 Missouri or United States Constitutions;

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

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

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

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

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

170.215. 1. Any school district may enter into a contract with a  
2 public library to provide online tutoring services through a third party  
3 vendor or a nonprofit organization for the district's students. Any  
4 tutoring services shall be conducted through any compatible computer  
5 to participating students who have a library card, both within and  
6 without the public library facility.

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

9 (1) Assistance with homework;

10 (2) Collaboration and study tools in math, science, social

11 sciences, English, language arts, and computer literacy;

12 (3) Access to comprehensive writing assistance productivity  
13 software; and

14 (4) Test preparation tools.

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

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

21 (1) Protect individual student privacy;

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

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

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

29 6. Each school district that offers online tutoring services under  
30 this section shall maintain an archive of all communications between  
31 students and tutors for two years that shall be accessible to district  
32 officials and tutoring supervisors.

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

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

10 2. The state treasurer shall be custodian of the fund. In  
11 accordance with sections 30.170 and 30.180, the state treasurer may  
12 approve disbursements of public money in accordance with distribution  
13 requirements and procedures developed by the department of

14 elementary and secondary education and shall make disbursements of  
15 private funds according to the directions of the donor. If the donor did  
16 not specify how the private funds were to be disbursed, the state  
17 treasurer shall contact the donor to determine the manner of  
18 disbursement. The fund shall be a dedicated fund and, upon  
19 appropriation, money in the fund shall be used solely for the  
20 administration of this section.

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

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

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

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

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

22 4. If any local district violates the provisions of this section, the  
23 department of elementary and secondary education shall withhold an amount

24 equal to one quarter of the state funding the district generated under section  
25 163.031 for each date the district was in violation of this section.

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

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

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

36             **(1) Vocational schools which may adopt an eight-hour day in a**  
37 **metropolitan school district and a school district in a first class county adjacent**  
38 **to a city not within a county, and any school that adopts a four-day school week**  
39 **in accordance with section 171.029; and**

40             **(2) A school district that increases the length of the school day**  
41 **or the number of required hours by following the procedure established**  
42 **in subsection 8 of this section.**

43         8. **The school board of any district in this state that has been**  
44 **declared unaccredited or provisionally accredited or that is accredited**  
45 **but has a three-year average annual performance report score**  
46 **consistent with a classification of unaccredited or provisionally**  
47 **accredited may increase the length of the school day upon adoption of**  
48 **a resolution by a majority vote to authorize such action. Such a school**  
49 **district may also increase the annual hours of instruction above the**  
50 **required number of hours in subsection 1 of this section by the**  
51 **adoption of a resolution by a majority vote to authorize such action.**

52         9. **(1) There is hereby created in the state treasury the "Extended**  
53 **Learning Time Fund". The fund shall consist of any moneys that may**  
54 **be appropriated by the general assembly from general revenue to such**  
55 **fund, any moneys paid into the state treasury and required by law to**  
56 **be credited to such fund and any gifts, bequests, or public or private**  
57 **donations to such fund.**

58             **(2) The state treasurer shall be custodian of the fund. In**  
59 **accordance with sections 30.170 and 30.180, the state treasurer may**



60 approve disbursements in accordance with distribution requirements  
61 and procedures developed by the department of elementary and  
62 secondary education. The fund shall be a dedicated fund and, upon  
63 appropriation, money in the fund shall be used solely for the  
64 administration of subsection 8 of this section.

65 (3) Notwithstanding the provisions of section 33.080 to the  
66 contrary, any moneys remaining in the fund at the end of the biennium  
67 shall not revert to the credit of the general revenue fund.

68 (4) The state treasurer shall invest moneys in the fund in the  
69 same manner as other funds are invested. Any interest and moneys  
70 earned on such investments shall be credited to the fund.

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

Bill

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