

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILLS NOS. 1,
22, 49 & 70**
98TH GENERAL ASSEMBLY

Reported from the Committee on Education, February 12, 2015, with recommendation that the Senate Committee Substitute do pass.

0479S.09C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof forty-three 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, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, are repealed and forty-three new sections enacted in lieu thereof, to be known as sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.425, 161.084, 161.087, 161.238, 161.1000, 162.081, 162.1250, 162.1303, 162.1305, 162.1310, 162.1313, 163.036, 167.121, 167.127, 167.131, 167.642, 167.685, 167.688, 167.730, 167.825, 167.826, 167.827, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 170.215, 170.320, 171.031, 177.015, 210.861, and 1, 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

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

9 include:

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

11 (b) Training of parents regarding how to be the primary teacher of their
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] **classified as**
8 **unaccredited by the state board of education;**

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

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

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

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

34 **(6) In any district in a county that contains all or part of a**
35 **district that has been classified as unaccredited or provisionally**
36 **accredited by the state board of education or in a county adjoining to**
37 **any county containing all or part of a district that has been classified**
38 **as unaccredited or provisionally accredited by the state board of**
39 **education. Any entity identified in subdivision (2) to (6) of subsection**
40 **3 of this section is eligible to sponsor a charter school under this**
41 **subdivision. When a charter school operates pursuant to this**
42 **subdivision, it may continue to operate even if the district that was**
43 **previously unaccredited or provisionally accredited regains**
44 **accreditation without provisions.**

45 3. Except as further provided in subsection 4 of this section, The following
46 entities are eligible to sponsor charter schools:

47 (1) The school board of the district in any district which is sponsoring a
48 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
49 subsection 2 of this section, the special administrative board of a metropolitan
50 school district during any time in which powers granted to the district's board of
51 education are vested in a special administrative board, or if the state board of
52 education appoints a special administrative board to retain the authority granted
53 to the board of education of an urban school district containing most or all of a
54 city with a population greater than three hundred fifty thousand inhabitants, the
55 special administrative board of such school district;

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

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

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

63 (5) Any two-year private vocational or technical school designated as a
64 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
65 amended, [which is a member of the North Central Association] and accredited
66 by the Higher Learning Commission, with its primary campus in Missouri; [or]

67 (6) The Missouri charter public school commission created in section
68 160.425;

69 **(7) The school board of a district that is accredited without**
70 **provisions by the state board of education, in a district classified as**
71 **unaccredited by the state board of education; or**

72 **(8) A combination of school boards of districts that are**
73 **accredited without provisions by the state board of education in**
74 **collaboration, in a district classified as unaccredited by the state board**
75 **of education.**

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

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

83 (2) As a district transitions from provisionally accredited to full
84 accreditation, the district shall continue to fall under the requirements for a
85 provisionally accredited district until it achieves three consecutive full school
86 years of full accreditation;

87 (3) **(1)** In any school district classified as unaccredited or provisionally
88 accredited where a charter school is operating and is sponsored by an entity other
89 than the local school board, when the school district becomes classified as
90 accredited without provisions, a charter school may continue to be sponsored by
91 the entity sponsoring it prior to the classification of accredited without provisions

92 and shall not be limited to the local school board as a sponsor.

93 **(2)** A charter school operating in a school district identified in subdivision
94 (1) or (2) of subsection 2 of this section may be sponsored by any of the entities
95 identified in subsection 3 of this section, irrespective of the accreditation
96 classification of the district in which it is located. A charter school in a district
97 described in this subsection whose charter provides for the addition of grade
98 levels in subsequent years may continue to add levels until the planned
99 expansion is complete to the extent of grade levels in comparable schools of the
100 district in which the charter school is operated.

101 5. The mayor of a city not within a county may request a sponsor under
102 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
103 sponsoring a "workplace charter school", which is defined for purposes of sections
104 160.400 to 160.425 as a charter school with the ability to target prospective
105 students whose parent or parents are employed in a business district, as defined
106 in the charter, which is located in the city.

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

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

113 8. As a nonprofit corporation incorporated pursuant to chapter 355, the
114 charter school shall select the method for election of officers pursuant to section
115 355.326 based on the class of corporation selected. Meetings of the governing
116 board of the charter school shall be subject to the provisions of sections 610.010
117 to 610.030.

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

122 10. A charter school may affiliate with a four-year college or university,
123 including a private college or university, or a community college as otherwise
124 specified in subsection 3 of this section when its charter is granted by a sponsor
125 other than such college, university or community college. Affiliation status
126 recognizes a relationship between the charter school and the college or university
127 for purposes of teacher training and staff development, curriculum and

128 assessment development, use of physical facilities owned by or rented on behalf
129 of the college or university, and other similar purposes. A university, college or
130 community college may not charge or accept a fee for affiliation status.

131 11. The expenses associated with sponsorship of charter schools shall be
132 defrayed by the department of elementary and secondary education retaining one
133 and five-tenths percent of the amount of state and local funding allocated to the
134 charter school under section 160.415, not to exceed one hundred twenty-five
135 thousand dollars, adjusted for inflation. The department of elementary and
136 secondary education shall remit the retained funds for each charter school to the
137 school's sponsor, provided the sponsor remains in good standing by fulfilling its
138 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
139 regard to each charter school it sponsors, including appropriate demonstration of
140 the following:

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

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

148 (3) Negotiates contracts with charter schools that clearly articulate the
149 rights and responsibilities of each party regarding school autonomy, expected
150 outcomes, measures for evaluating success or failure, performance consequences
151 **aligned with annual performance report evaluations of public schools,**
152 and other material terms;

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

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

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

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

164 14. No sponsor shall grant a charter under sections 160.400 to 160.425
165 and 167.349 without ensuring that a criminal background check and family care
166 safety registry check are conducted for all members of the governing board of the
167 charter schools or the incorporators of the charter school if initial directors are
168 not named in the articles of incorporation, nor shall a sponsor renew a charter
169 without ensuring a criminal background check and family care **safety** registry
170 check are conducted for each member of the governing board of the charter school.

171 15. No member of the governing board of a charter school shall hold any
172 office or employment from the board or the charter school while serving as a
173 member, nor shall the member have any substantial interest, as defined in
174 section 105.450, in any entity employed by or contracting with the board. No
175 board member shall be an employee of a company that provides substantial
176 services to the charter school. All members of the governing board of the charter
177 school shall be considered decision-making public servants as defined in section
178 105.450 for the purposes of the financial disclosure requirements contained in
179 sections 105.483, 105.485, 105.487, and 105.489.

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

181 (1) The review of a charter school proposal including an application that
182 provides sufficient information for rigorous evaluation of the proposed charter and
183 provides clear documentation that the education program and academic program
184 are aligned with the state standards and grade-level expectations, and provides
185 clear documentation of effective governance and management structures, and a
186 sustainable operational plan;

187 (2) The granting of a charter;

188 (3) The performance [framework] **contract** that the sponsor will use to
189 evaluate the performance of charter schools. **Charter schools shall meet**
190 **current state academic performance standards as well as other**
191 **standards agreed upon by the sponsor and the charter school in the**
192 **performance contract;**

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

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

200 (6) Procedures to be implemented if a charter school should close,
201 consistent with the provisions of subdivision (15) of subsection 1 of section
202 160.405. The department shall provide guidance to sponsors in developing such
203 policies and procedures.

204 17. (1) A sponsor shall provide timely submission to the state board of
205 education of all data necessary to demonstrate that the sponsor is in material
206 compliance with all requirements of sections 160.400 to 160.425 and section
207 167.349. The state board of education shall ensure each sponsor is in compliance
208 with all requirements under sections 160.400 to 160.425 and 167.349 for each
209 charter school sponsored by any sponsor. The state board shall notify each
210 sponsor of the standards for sponsorship of charter schools, delineating both what
211 is mandated by statute and what best practices dictate. The state board shall
212 evaluate sponsors to determine compliance with these standards every three
213 years. The evaluation shall include a sponsor's policies and procedures in the
214 areas of charter application approval; required charter agreement terms and
215 content; sponsor performance evaluation and compliance monitoring; and charter
216 renewal, intervention, and revocation decisions. Nothing shall preclude the
217 department from undertaking an evaluation at any time for cause.

218 (2) If the department determines that a sponsor is in material
219 noncompliance with its sponsorship duties, the sponsor shall be notified and
220 given reasonable time for remediation. If remediation does not address the
221 compliance issues identified by the department, the commissioner of education
222 shall conduct a public hearing and thereafter provide notice to the charter
223 sponsor of corrective action that will be recommended to the state board of
224 education. Corrective action by the department may include withholding the
225 sponsor's funding and suspending the sponsor's authority to sponsor a school that
226 it currently sponsors or to sponsor any additional school until the sponsor is
227 reauthorized by the state board of education under section 160.403.

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

234 (4) If the state board removes the authority to sponsor a currently
235 operating charter school under any provision of law, the Missouri charter public

236 school commission shall become the sponsor of the school.

237 **18. When a sponsor notifies a charter school of closure under**
238 **subsection 8 of section 160.405, the department of elementary and**
239 **secondary education shall exercise its financial withholding authority**
240 **under subsection 12 of section 160.415 to assure all obligations of the**
241 **charter school shall be met. The state, charter sponsor, or resident**
242 **district shall not be liable for any outstanding liability or obligations**
243 **of the charter school.**

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

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

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

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

16 (3) An outline of the request for proposal that the applicant sponsor
17 would, if approved as a charter sponsor, issue to solicit charter school applicants
18 consistent with sections 160.400 to 160.425;

19 (4) The performance framework that the applicant sponsor would, if
20 approved as a charter sponsor, use to guide the establishment of a charter
21 contract and for ongoing oversight and a description of how it would evaluate the
22 charter schools it sponsors; and

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

25 3. By April first of each year, the department shall decide whether to
26 grant or deny a sponsoring authority to a sponsor applicant. This decision shall
27 be made based on the applicant charter's compliance with sections 160.400 to
28 160.425 and properly promulgated rules of the department.

29 4. Within thirty days of the department's decision, the department shall
30 execute a renewable sponsoring contract with each entity it has approved as a
31 sponsor. The term of each authorizing contract shall be six years and renewable.
32 [No eligible sponsor which is not currently sponsoring a charter school as of
33 August 28, 2012, shall commence charter sponsorship without approval from the
34 state board of education and a sponsor contract with the state board of education
35 in effect.]

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] **may** be
37 [renewable] **renewed**;

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 **and time frame for**
51 **implementation** between the charter school and the sponsor as to when a
52 sponsor shall intervene in a charter school, when a sponsor shall revoke a charter
53 for failure to comply with subsection 8 of this section, and when a sponsor will
54 not renew a charter under subsection 9 of this section;

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

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

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

61 (c) Submission of final financial reports;

62 (d) **Notwithstanding any provision of chapter 355 to the contrary,**
63 **resolution of any remaining financial obligations is to be carried out by a**
64 **trustee agreed upon by the charter school and its sponsor; [and]**

65 (e) Disposition of the charter school's assets upon closure; **and**

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

70 (16) A description of the special education and related services that shall
71 be available to meet the needs of students with disabilities; [and]

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

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

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

81 (1) A charter shall be submitted to the sponsor, and follow the sponsor's
82 policies and procedures for review and granting of a charter approval, and be
83 approved by the state board of education by [December first of the year] **January**
84 **thirty-first** prior to **the school year** of the proposed opening date of the
85 charter school;

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

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

95 (4) If a proposed charter is denied by a sponsor, the proposed charter may
96 be submitted to the state board of education, along with the sponsor's written
97 reasons for its denial. If the state board determines that the applicant meets the
98 requirements of this section, that the applicant is sufficiently qualified to operate
99 the charter school, and that granting a charter to the applicant would be likely
100 to provide educational benefit to the children of the district, the state board may
101 grant a charter and act as sponsor of the charter school. The state board shall

102 review the proposed charter and make a determination of whether to deny or
103 grant the proposed charter within sixty days of receipt of the proposed charter,
104 provided that any charter to be considered by the state board of education under
105 this subdivision shall be submitted no later than March first prior to the school
106 year in which the charter school intends to begin operations. The state board of
107 education shall notify the applicant in writing as the reasons for its denial, if
108 applicable; and

109 (5) The sponsor of a charter school shall give priority to charter school
110 applicants that propose a school oriented to high-risk students and to the reentry
111 of dropouts into the school system. If a sponsor grants three or more charters,
112 at least one-third of the charters granted by the sponsor shall be to schools that
113 actively recruit dropouts or high-risk students as their student body and address
114 the needs of dropouts or high-risk students through their proposed mission,
115 curriculum, teaching methods, and services. For purposes of this subsection, a
116 "high-risk" student is one who is at least one year behind in satisfactory
117 completion of course work or obtaining high school credits for graduation, has
118 dropped out of school, is at risk of dropping out of school, needs drug and alcohol
119 treatment, has severe behavioral problems, has been suspended from school three
120 or more times, has a history of severe truancy, is a pregnant or parenting teen,
121 has been referred for enrollment by the judicial system, is exiting incarceration,
122 is a refugee, is homeless or has been homeless sometime within the preceding six
123 months, has been referred by an area school district for enrollment in an
124 alternative program, or qualifies as high risk under department of elementary
125 and secondary education guidelines. "Dropout" shall be defined through the
126 guidelines of the school core data report. The provisions of this subsection do not
127 apply to charters sponsored by the state board of education.

128 3. If a charter is approved by a sponsor, the charter application shall be
129 submitted to the state board of education, along with a statement of finding **by**
130 **the sponsor** that the application meets the requirements of sections 160.400 to
131 160.425 and section 167.349 and a monitoring plan under which the charter
132 sponsor shall evaluate the academic performance, **including annual**
133 **performance reports**, of students enrolled in the charter school. The state
134 board of education [may, within] **has sixty days**[, disapprove the granting of the
135 charter] **from receipt of the charter application to approve or deny the**
136 **application. Any charter application received by the state board of**
137 **education on or before November fifteenth of the year prior to the**

138 **proposed opening of the charter school shall be considered by the state**
139 **board of education within the sixty-day period.** The state board of
140 education may disapprove a charter on grounds that the application fails to meet
141 the requirements of sections 160.400 to 160.425 and section 167.349 or that a
142 charter sponsor previously failed to meet the statutory responsibilities of a
143 charter sponsor. **Any disapproval of a charter application made by the**
144 **state board of education shall be in writing and shall identify the**
145 **specific failures of the application to meet the requirements of sections**
146 **160.400 to 160.425 and section 167.349, and the written disapproval shall**
147 **be provided within ten business days to the sponsor.**

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

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

151 (2) Comply with laws and regulations of the state, county, or city relating
152 to health, safety, and state minimum educational standards, as specified by the
153 state board of education, including the requirements relating to student discipline
154 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal
155 conduct to law enforcement authorities under sections 167.115 to 167.117,
156 academic assessment under section 160.518, transmittal of school records under
157 section 167.020, the minimum [number of school days and hours] **amount of**
158 **school time** required under section 160.041, and the employee criminal history
159 background check and the family care safety registry check under section 168.133;

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

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

174 on the same terms and conditions as the school district in which it is located. For
175 the purposes of securing such insurance, a charter school shall be eligible for the
176 Missouri public entity risk management fund pursuant to section 537.700. A
177 charter school that incurs debt shall include a repayment plan in its financial
178 plan;

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

183 (6) (a) Design a method to measure pupil progress toward the pupil
184 academic standards adopted by the state board of education pursuant to section
185 160.514, establish baseline student performance in accordance with the
186 performance contract during the first year of operation, collect student
187 performance data as defined by the annual performance report throughout the
188 duration of the charter to annually monitor student academic performance, and
189 to the extent applicable based upon grade levels offered by the charter school,
190 participate in the statewide system of assessments, comprised of the essential
191 skills tests and the nationally standardized norm-referenced achievement tests,
192 as designated by the state board pursuant to section 160.518, complete and
193 distribute an annual report card as prescribed in section 160.522, which shall also
194 include a statement that background checks have been completed on the charter
195 school's board members, report to its sponsor, the local school district, and the
196 state board of education as to its teaching methods and any educational
197 innovations and the results thereof, and provide data required for the study of
198 charter schools pursuant to subsection 4 of section 160.410. No charter school
199 shall be considered in the Missouri school improvement program review of the
200 district in which it is located for the resource or process standards of the
201 program.

202 (b) For proposed high risk or alternative charter schools, sponsors shall
203 approve performance measures based on mission, curriculum, teaching methods,
204 and services. Sponsors shall also approve comprehensive academic and
205 behavioral measures to determine whether students are meeting performance
206 standards on a different time frame as specified in that school's charter. Student
207 performance shall be assessed comprehensively to determine whether a high risk
208 or alternative charter school has documented adequate student progress. Student
209 performance shall be based on sponsor-approved comprehensive measures as well

210 as standardized public school measures. Annual presentation of charter school
211 report card data to the department of elementary and secondary education, the
212 state board, and the public shall include comprehensive measures of student
213 progress.

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

222 (7) Comply with all applicable federal and state laws and regulations
223 regarding students with disabilities, including sections 162.670 to 162.710, the
224 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section
225 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
226 legislation;

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

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

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

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

244 (2) The department of elementary and secondary education shall conduct
245 a study of any charter school granted alternative arrangements for students to

246 obtain credit under this subsection after three years of operation to assess
247 student performance, graduation rates, educational outcomes, and entry into the
248 workforce or higher education.

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

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

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

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

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

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

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

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

280 a. The charter school provides a high school program which fails to
281 maintain a graduation rate of at least seventy percent in three of the last four

282 school years unless the school has dropout recovery as its mission;

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

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

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

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

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

296 (c) A sponsor shall revoke a charter or take other appropriate remedial
297 action, which may include placing the charter school on probationary status for
298 no more than [twelve] **twenty-four** months, provided that no more than one
299 designation of probationary status shall be allowed for the duration of the charter
300 contract, at any time if the charter school commits a serious breach of one or
301 more provisions of its charter or on any of the following grounds: failure to meet
302 the performance contract as set forth in its charter, failure to meet generally
303 accepted standards of fiscal management, failure to provide information necessary
304 to confirm compliance with all provisions of the charter and sections 160.400 to
305 160.425 and 167.349 within forty-five days following receipt of written notice
306 requesting such information, or violation of law.

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

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

316 (4) The sponsor of a charter school shall establish procedures to conduct
317 administrative hearings upon determination by the sponsor that grounds exist to

318 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
319 to this subsection are subject to an appeal to the state board of education, which
320 shall determine whether the charter shall be revoked.

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

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

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

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

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

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

344 a. A negative balance in its operating funds;

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

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

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

351 **(d) A charter school that has an annual performance report**
352 **consistent with a classification of accredited for three of the last four**
353 **years and is fiscally viable may have an expedited renewal process as**

354 **defined by rule.**

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

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

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

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

371 10. A school district may enter into a lease with a charter school for
372 physical facilities.

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

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

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

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

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

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

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

403 **16. The department of elementary and secondary education shall**
404 **create a committee to investigate facility access and affordability for**
405 **charter schools. The committee shall be comprised of equal members**
406 **of the charter school sector and the public school sector and shall**
407 **report its findings to the general assembly by December 31, 2015.**

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

4 (1) **Receives eighty 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 school district,**
19 **or an urban school district containing most or all of a home rule city**

20 with more than four hundred thousand inhabitants and located in more
21 than 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 the charter may be renewed for terms
40 of up to ten years. Renewal shall be subject to the provisions of
41 paragraphs (a) to (d) of subdivision (3) of subsection 9 of section
42 160.405.

160.410. 1. A charter school shall enroll:

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

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

5 (3) Nonresident pupils who have at least one parent employed by
6 the charter school at which the nonresident pupil is seeking enrollment
7 unless the pupil's enrollment will cause a resident student to be denied
8 enrollment;

9 (4) Nonresident pupils from the same or an adjoining county who
10 were enrolled in and attended an unaccredited school for at least one
11 semester and who were unable to transfer to an accredited school
12 within their district of residence as provided in section 167.826;

13 (5) In the case of a charter school whose mission includes student
14 drop-out prevention or recovery, any nonresident pupil from the same or an

15 adjacent county who resides in a residential care facility, a transitional living
16 group home, or an independent living program whose last school of enrollment is
17 in the school district where the charter school is established, who submits a
18 timely application; and

19 [(4)] **(6)** In the case of a workplace charter school, any student eligible
20 to attend under subdivision (1) or (2) of this subsection whose parent is employed
21 in the business district, who submits a timely application, unless the number of
22 applications exceeds the capacity of a program, class, grade level or building. The
23 configuration of a business district shall be set forth in the charter and shall not
24 be construed to create an undue advantage for a single employer or small number
25 of employers.

26 2. If capacity is insufficient to enroll all pupils who submit a timely
27 application, the charter school shall have an admissions process that assures all
28 applicants of an equal chance of gaining admission except that:

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

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

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

42 **(4) The lottery system shall not discriminate based on parents'**
43 **ability to pay fees or tuition.**

44 3. A charter school shall not limit admission based on race, ethnicity,
45 national origin, disability, income level, proficiency in the English language or
46 athletic ability, but may limit admission to pupils within a given age group or
47 grade level. Charter schools may limit admission based on gender only when the
48 school is a single-gender school. Students of a charter school that [are present
49 for the January membership count as defined in section 163.011] **have been**
50 **enrolled for a full academic year** shall be counted in the performance of the

51 charter school on the statewide assessments in that calendar year, unless
52 otherwise exempted as English language learners. **For the purposes of this**
53 **section, "full academic year" shall mean the last Wednesday in**
54 **September through the administration of the Missouri assessment**
55 **program test without transferring out of the school and re-enrolling.**

56 4. The department of elementary and secondary education shall
57 commission a study of the performance of students at each charter school in
58 comparison with an equivalent group of district students representing an
59 equivalent demographic and geographic population and a study of the impact of
60 charter schools upon the constituents they serve in the districts in which they are
61 located, to be conducted by the joint committee on education. The charter school
62 study shall include analysis of the administrative and instructional practices of
63 each charter school and shall include findings on innovative programs that
64 illustrate best practices and lend themselves to replication or incorporation in
65 other schools. The joint committee on education shall coordinate with individuals
66 representing charter schools and the districts in which charter schools are located
67 in conducting the study. The study of a charter school's student performance in
68 relation to a comparable group shall be designed to provide information that
69 would allow parents and educators to make valid comparisons of academic
70 performance between the charter school's students and an equivalent group of
71 district students representing an equivalent demographic and geographic
72 population. The student performance assessment and comparison shall include,
73 but may not be limited to:

- 74 (1) Missouri assessment program test performance and aggregate growth
75 over several years;
- 76 (2) Student reenrollment rates;
- 77 (3) Educator, parent, and student satisfaction data;
- 78 (4) Graduation rates in secondary programs; and
- 79 (5) Performance of students enrolled in the same public school for three
80 or more consecutive years. The impact study shall be undertaken every two years
81 to determine the impact of charter schools on the constituents they serve in the
82 districts where charter schools are operated. The impact study shall include, but
83 is not limited to, determining if changes have been made in district policy or
84 procedures attributable to the charter school and to perceived changes in
85 attitudes and expectations on the part of district personnel, school board
86 members, parents, students, the business community and other education

87 stakeholders. The department of elementary and secondary education shall make
88 the results of the studies public and shall deliver copies to the governing boards
89 of the charter schools, the sponsors of the charter schools, the school board and
90 superintendent of the districts in which the charter schools are operated.

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

94 (1) The school's charter;

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

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

99 (4) If a charter school is operated by a management company, a copy of
100 the written contract between the governing board of the charter school and the
101 educational management organization or the charter management organization
102 for services. The charter school may charge reasonable fees, not to exceed the
103 rate specified in section 610.026 for furnishing copies of documents under this
104 subsection.

105 6. When a student attending a charter school who is a resident of the
106 school district in which the charter school is located moves out of the boundaries
107 of such school district, the student may complete the current semester and shall
108 be considered a resident student. The student's parent or legal guardian shall
109 be responsible for the student's transportation to and from the charter school.

110 7. If a change in school district boundary lines occurs under section
111 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
112 under section 162.081, including attachment of a school district's territory to
113 another district or dissolution, such that a student attending a charter school
114 prior to such change no longer resides in a school district in which the charter
115 school is located, then the student may complete the current academic year at the
116 charter school. The student shall be considered a resident student. The student's
117 parent or legal guardian shall be responsible for the student's transportation to
118 and from the charter school.

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

 160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be

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

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

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

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

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

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

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

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a

39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If
49 a charter school declares itself as a local 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. **For purposes of calculation and distribution of state school aid**
71 **to charter schools under this section, a charter school's weighted**
72 **average daily attendance shall include any nonresident pupil who**
73 **attends the charter school and whose parent is employed at the charter**
74 **school.**

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

83 [7.] 8. In the case of a proposed charter school that intends to contract
84 with an education service provider for substantial educational services[,] or
85 management services, the request for proposals shall additionally require the
86 charter school applicant to:

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

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

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

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

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

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

108 [8.] 9. A charter school may enter into contracts with community
109 partnerships and state agencies acting in collaboration with such partnerships
110 that provide services to children and their families linked to the school.

111 [9.] 10. A charter school shall be eligible for transportation state aid
112 pursuant to section 163.161 and shall be free to contract with the local district,
113 or any other entity, for the provision of transportation to the students of the
114 charter school.

115 [10.] 11. (1) The proportionate share of state and federal resources
116 generated by students with disabilities or staff serving them shall be paid in full
117 to charter schools enrolling those students by their school district where such
118 enrollment is through a contract for services described in this section. The
119 proportionate share of money generated under other federal or state categorical
120 aid programs shall be directed to charter schools serving such students eligible
121 for that aid.

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

125 [11.] 12. A charter school may not charge tuition[, nor may it] **or** impose
126 fees that a school district is prohibited from **charging or imposing except that**
127 **a charter school may receive tuition payments from districts in the**
128 **same or an adjoining county for nonresident students who transfer to**
129 **a charter school from an unaccredited school.**

130 [12.] 13. A charter school is authorized to incur debt in anticipation of
131 receipt of funds. A charter school may also borrow to finance facilities and other
132 capital items. A school district may incur bonded indebtedness or take other
133 measures to provide for physical facilities and other capital items for charter
134 schools that it sponsors or contracts with. **Except as otherwise specifically**
135 **provided in sections 160.400 to 160.425**, upon the dissolution of a charter
136 school, any liabilities of the corporation will be satisfied through the procedures
137 of chapter 355. The department of elementary and secondary education may
138 withhold funding at a level the department determines to be adequate during a
139 school's last year of operation until the department determines that school
140 records, liabilities, and reporting requirements, including a full audit, are
141 satisfied.

142 [13.] 14. Charter schools shall not have the power to acquire property by
143 eminent domain.

144 [14.] 15. The governing body of a charter school is authorized to accept
145 grants, gifts or donations of any kind and to expend or use such grants, gifts or
146 donations. A grant, gift or donation may not be accepted by the governing body

147 if it is subject to any condition contrary to law applicable to the charter school or
148 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] **amount of school time** 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.

160.425. 1. The "Missouri Charter Public School Commission" is hereby
2 created with the authority to sponsor high quality charter schools throughout the
3 state of Missouri **as specified in section 160.400.**

4 2. The commission shall consist of nine members appointed by the
5 governor, by and with the advice and consent of the senate. No more than five
6 of the members shall be of the same political party. No more than two members
7 shall be from the same congressional district. The term of office of each member
8 shall be four years, except those of the members first appointed, of which three
9 shall be appointed for a term of one year, two for a term of two years, two for a
10 term of three years, and two for a term of four years. At the expiration of the
11 term of each member, the governor, by and with the advice and consent of the
12 senate, shall appoint a successor.

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

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

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

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

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

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

25 4. Members appointed to the commission shall collectively possess strong
26 experience and expertise in governance, management and finance, school
27 leadership, assessment, curriculum and instruction, and education law. All
28 members of the commission shall have demonstrated understanding of and
29 commitment to charter schooling as a strategy for strengthening public education.

30 5. The commission shall annually elect a chairperson and vice
31 chairperson, who shall act as chairperson in his or her absence. The commission
32 shall meet at the call of the chairperson. The chairperson may call meetings at
33 such times as he or she deems advisable and shall call a meeting when requested
34 to do so by three or more members of the commission. Members of the
35 commission are not eligible to receive compensation.

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

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

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

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

45 8. The commission shall conduct its business in accordance with chapter
46 610.

47 9. The department of elementary and secondary education shall provide
48 start-up funding for the commission to operate. The commission shall reimburse
49 the department's costs from any funds it receives as sponsor under section
50 160.400.

51 10. The commission is authorized to receive and expend gifts, grants, and
52 donations of any kind from any public or private entity to carry out the purposes
53 of sections 160.400 to 160.425, subject to the terms and conditions under which
54 they are given, provided that all such terms and conditions are permissible under
55 law.

56 **11. The commission may employ staff, including but not limited**
57 **to an executive director, as needed to carry out its duties. The**
58 **commission may establish personnel, payroll, benefit, and other such**
59 **systems as needed and may provide death and disability**
60 **benefits. Commission employees shall be considered state employees**

61 for the purposes of membership in the Missouri state employees'
62 retirement system and the Missouri consolidated health care
63 plan. Compensation paid by the commission shall constitute pay from
64 a state department for purposes of accruing benefits under the
65 Missouri state employees' retirement system.

66 12. There is hereby created in the state treasury the "Missouri
67 charter public school commission revolving fund", which shall consist
68 of money collected under this section. The state treasurer shall be
69 custodian of the fund. In accordance with sections 30.170 and 30.180,
70 the state treasurer may approve disbursements. The fund shall be a
71 dedicated fund and money in the fund shall be used solely by the
72 Missouri charter public school commission for purposes of sections
73 160.400 to 160.425 and section 167.349. Notwithstanding the provisions
74 of section 33.080 to the contrary, any moneys remaining in the fund at
75 the end of the biennium shall not revert to the credit of the general
76 revenue fund. The state treasurer shall invest moneys in the fund in
77 the same manner as other funds are invested. Any interest and moneys
78 earned on such investments shall be credited to the fund.

161.084. When classifying the public schools of the state under
2 section 161.092, if there is no state board of education member who is
3 a resident of the congressional district in which such school district is
4 located, the state board of education shall assign to any school district
5 a classification designation of unaccredited or change a district's
6 classification designation from accredited to provisionally accredited
7 only after notifying the governor of its intent to change the
8 classification of the district. The governor shall make the appointment
9 within thirty days of notification.

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 2015-2016, 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, no later than school year 2016-2017,
3 the state board of education shall adopt and implement a system of
4 classification that accredits attendance centers within a district
5 separately from the district as a whole using the classification
6 designations provided in section 161.087.

7 **2. The state board of education may consider the classification**

8 designation of an attendance center in its accreditation classification
9 system to exempt attendance centers, as that term is defined in section
10 167.848, with classification numbers outside the range of numbers
11 assigned to high schools, middle schools, junior high schools, or
12 elementary schools. Public separate special education schools within
13 a special school district are exempted from the accreditation
14 requirements of this section. The state board of education shall
15 prepare an annual performance report for each attendance center that
16 only offers grades kindergarten through grade two but shall not assign
17 a classification to any such attendance center. While not applicable for
18 the purpose of accreditation, a special school district shall continue to
19 report all scores on its annual performance report to the department
20 of elementary and secondary education for all of its schools. Juvenile
21 detention centers within a special school district are also exempted
22 from the accreditation standards of this section.

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

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

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 number of school**
136 **hours required in a school term required by section 163.021 because of**
137 **financial difficulty, the state board of education may, prior to the start**
138 **of the school term:**

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

142 (2) **Lapse the corporate organization of the district and**
143 **implement one of the options available under subdivision (2) of**

144 **subsection 3 of this section.**

145 **10. The provisions of subsection 9 of this section shall not apply**
146 **to any district solely on the basis of financial difficulty resulting from**
147 **paying tuition and providing transportation for transfer students under**
148 **sections 167.825 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. (1) For purposes of this subsection, a virtual school of choice**
40 **means a school authorized to provide a full time kindergarten through**
41 **grade twelve virtual program pursuant to this section if it meets the**
42 **following requirements:**

43 **(a) Uses a unified and sequential online curriculum;**

44 **(b) Allows students to learn at a flexible pace including**
45 **acceleration for advanced learners and more time for students who**
46 **need it;**

47 **(c) Employs teachers certified by the state board of education to**
48 **oversee all instruction;**

49 **(d) Develops an individualized learning plan for all students**
50 **designed by certified teachers and professional staff; and**

51 **(e) Is hosted by an accredited district or a charter school with**
52 **an annual performance report score of seventy percent or greater.**

53 **(2) Notwithstanding any provision of law to the contrary, any**
54 **student who is a resident of this state and has been enrolled in and**
55 **attending for at least one semester an attendance center that is**
56 **classified as unaccredited by the state board of education and is unable**
57 **to transfer to an accredited school in the district of residence or any**
58 **student enrolled in a district in the same or an adjoining county as a**
59 **district operating an unaccredited school is eligible to enroll in a**
60 **virtual school of choice. For purposes of this subsection, a virtual**
61 **resident student is a student who is enrolled in a virtual school of**
62 **choice which is hosted by the student's district of residence or a virtual**
63 **school of choice which is hosted by a charter school in the student's**
64 **district of residence. There shall be no change in calculation and**
65 **distribution of state school funding under subsection 3 of this section**
66 **for a virtual resident student. For purposes of this subsection, a virtual**
67 **transfer student is a student who is enrolled in a virtual school of**
68 **choice which is neither hosted by the student's district of residence nor**

69 by a charter school in the student's district of residence. For purposes
70 of calculation and distribution of state school funding for virtual
71 transfer students, any virtual transfer student shall be included in the
72 average daily attendance of his or her school district of residence. The
73 department of elementary and secondary education shall deduct from
74 the state aid payment made to the district of residence of a virtual
75 transfer student an amount equal to the state adequacy target and
76 credit the same amount to the virtual school of choice. The distribution
77 of funds to the virtual school of choice shall be calculated in two
78 increments, fifty percent completion and one hundred percent
79 completion, based on the student's completion of defined assignments
80 and assessments. No virtual transfer student shall be admitted to a
81 virtual school of choice if admission of the student would cause the
82 amount deducted from the district of residence's state aid to exceed the
83 aggregate amount due to the school district as provided under
84 subsections 1 and 2 of section 163.031 and sections 163.043 and
85 163.087. The department of elementary and secondary education shall
86 transfer any federal special education or Title I funds associated with
87 an individual virtual transfer student to the virtual school of choice.
88 Each education authority, as established in sections 167.830 to 167.845,
89 shall provide information furnished to it by virtual schools of choice
90 offering courses or programs to virtual transfer students.

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

97 [5.] 6. Any school district or charter school that offers instruction in a
98 virtual setting, develops a virtual course or courses, or develops a virtual program
99 of instruction shall ensure that the following standards are satisfied:

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

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

104 (3) Privacy policies are stated and made available to teachers, instructors,

105 and students;

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

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

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

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

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

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

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

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

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

129 [6.] 7. Any special school district shall count any student's completion of
130 a virtual course or program in the same manner as the district counts completion
131 of any other course or program for credit.

132 [7.] 8. A school district or charter school may contract with multiple
133 providers of virtual courses or virtual programs, provided they meet the criteria
134 for virtual 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, each school district, each charter school, and each
4 local education agency. The department shall publish each district's,
5 each attendance center's, each charter school's, and each local
6 education agency's transient student ratio on its website.**

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

10 **3. The department shall include in each attendance center's,**
11 **charter school's, and local education agency's school accountability**
12 **report card the transient student ratio for the attendance center,**
13 **charter school, or local education agency.**

14 **4. The department shall publish on its website the state's**
15 **aggregate transient student ratio.**

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

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

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

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

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

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

32 **7. For purposes of this section, "reentry student" or "reentry**
33 **students" means any student who was enrolled in a district, withdrew**
34 **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 shall also notify district**
6 **taxpayers of the loss of accreditation within seven business days. The**
7 **district's notice shall include an explanation of which students may be**
8 **eligible to transfer, the transfer process under sections 167.825 to**
9 **167.827, and any services students may be entitled to receive. The**
10 **district's notice shall be written in a clear, concise, and easy to**
11 **understand manner. The district shall post the notice in a conspicuous**
12 **and accessible place in each district attendance center. The district**
13 **shall also send the notice to each political subdivision located within**
14 **the boundaries of the district.**

162.1313. 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.**

163.036. 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.**

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

10 2. (1) For the school year beginning July 1, 2008, and each succeeding
11 school year, a parent or guardian residing in a lapsed public school district [or],
12 a district that has [scored] **received scores consistent with a state board**
13 **of education classification consistent with** either unaccredited or
14 provisionally accredited, or a combination thereof, on two consecutive annual
15 performance reports, **or a parent or guardian whose child is eligible to**
16 **transfer under subsection 2 of section 167.826** may enroll the parent's or
17 guardian's child in the Missouri virtual school created in section 161.670 provided
18 the pupil first enrolls in the school district of residence. The school district of
19 residence shall include the pupil's enrollment in the virtual school created in
20 section 161.670 in determining the district's average daily attendance. Full-time
21 enrollment in the virtual school shall constitute one average daily attendance
22 equivalent in the school district of residence. Average daily attendance for
23 part-time enrollment in the virtual school shall be calculated as a percentage of
24 the total number of virtual courses enrolled in divided by the number of courses
25 required for full-time attendance in the school district of residence.

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

30 (3) Nothing in this section shall require any school district or the state to
31 provide computers, equipment, internet or other access, supplies, materials or

32 funding, except as provided in this section, as may be deemed necessary for a
33 pupil to participate in the virtual school created in section 161.670.

34 (4) Any rule or portion of a rule, as that term is defined in section
35 536.010, that is created under the authority delegated in this section shall
36 become effective only if it complies with and is subject to all of the provisions of
37 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly pursuant
39 to chapter 536 to review, to delay the effective date, or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 2007, shall be
42 invalid and void.

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

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. 1. Any underperforming district may perform any or all
2 of 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.

22 2. Any underperforming district that offers an attendance
23 recovery program designed exclusively to allow students to recapture
24 attendance hours lost due to absences shall be allowed to include said
25 attendance recovery hours in the district's weighted average daily
26 attendance and also in the calculation of a district's attendance rate for

27 purposes of the Missouri school improvement program accreditation
28 scoring. Districts may offer attendance recovery programs on
29 Saturdays or at any time before or after the school's regularly
30 scheduled school hours. Extended hour and day programs designed for
31 remediation or enrichment purposes shall not fulfill the criteria of
32 attendance recovery programs as provided in this subsection.

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.

167.825. 1. For school year 2015-2016, students who transferred
2 from an unaccredited district to an accredited district in the same or
3 an adjoining county under section 167.131 as it existed on July 1, 2013,
4 shall be allowed to participate under the same terms that governed
5 such transfers in school year 2013-14, except that the reimbursement of
6 their tuition shall be governed by section 167.826.

7 2. For school year 2015-2016, if an unaccredited district becomes
8 classified as provisionally accredited or accredited without provisions
9 by the state board of education, any resident student of the
10 unaccredited district who has transferred under section 167.131 as it
11 existed on July 1, 2013, shall be permitted to continue their educational
12 program through the completion of middle school, junior high school,
13 or high school, whichever occurs first, except that a student who
14 attends any school serving students through high school graduation but
15 starting at grades lower than ninth grade shall be permitted to
16 complete high school in the school to which he or she has
17 transferred. However, any such student shall have previously attended
18 a school in the sending district for at least one semester before initially
19 transferring, unless the student was entering kindergarten or was a
20 first grade student and shall continue to reside within the boundaries
21 of the unaccredited district as those boundaries existed when the
22 student entered the transfer program to maintain eligibility. A student
23 who returns to his or her district of residence shall be ineligible to
24 transfer again.

25 **3. For school year 2015-2016, any student who transferred from**
26 **an unaccredited district to an accredited district in the same or an**
27 **adjoining county in school year 2013-2014 or school year 2014-2015 but**
28 **did not attend a public school for at least one semester in the**
29 **unaccredited district prior to the transfer shall no longer be eligible to**
30 **transfer under this section in school year 2015-2016.**

167.826. 1. Beginning in school year 2016-2017, any student who
2 **is enrolled in and has attended an unaccredited school for at least one**
3 **semester, or an attendance center that becomes classified as**
4 **unaccredited by the state board of education during the student's**
5 **attendance at that attendance center, may transfer to another public**
6 **school in the student's district of residence that offers the student's**
7 **grade level of enrollment and that is accredited without provisions by**
8 **the state board of education. However, no such transfer shall result in**
9 **a class size and assigned enrollment in a receiving school that exceeds**
10 **the standards for class size and assigned enrollment as promulgated in**
11 **the Missouri school improvement program's resource standards. If the**
12 **student chooses to attend a magnet school, an academically selective**
13 **school, or a school with a competitive entrance process within his or**
14 **her district of residence that has admissions requirements, the student**
15 **shall meet such admissions requirements in order to attend. The school**
16 **board of each district that operates an unaccredited school shall**
17 **determine the capacity at each of the district's attendance centers that**
18 **the state board of education has assigned a classification designation**
19 **of accredited or accredited with distinction. The district's school board**
20 **shall be responsible for coordinating student transfers from**
21 **unaccredited schools to accredited schools within the district. No**
22 **student enrolled in and attending an attendance center that only offers**
23 **kindergarten through grade two shall be eligible to transfer under this**
24 **section.**

25 **2. Any student who is enrolled in and has attended an**
26 **unaccredited school for at least one semester who has first attempted**
27 **and is unable to transfer to an accredited school within his or her**
28 **district of residence under subsection 1 of this section due to a lack of**
29 **capacity in accredited schools in the district of residence may apply to**
30 **the appropriate education authority by March first to transfer to:**

31 **(1) An accredited school in another district located in the same**

32 or an adjoining county;

33 (2) A charter school in another district in the same or an
34 adjoining county that has received a score of seventy percent or
35 greater on its annual performance report;

36 (3) A virtual school of choice as established in section 162.1250;
37 or

38 (4) The virtual public school established in section 161.670 under
39 the provisions of subsection 2 of section 167.121.

40 3. A student who is eligible to begin kindergarten or first grade
41 at an unaccredited school may apply to the appropriate education
42 authority for a transfer if he or she resides in the attendance area of
43 an unaccredited school on March first preceding the school year of first
44 attendance. A student who does not apply by March first shall be
45 required to enroll and attend for one semester to become eligible to
46 transfer. If the student chooses to apply to attend a magnet school, an
47 academically selective school, or a school with a competitive entrance
48 process that has admissions requirements, the student shall furnish
49 proof that he or she meets such admissions requirements. Any student
50 who does not maintain residency in the attendance area of his or her
51 attendance center in the district of residence shall lose eligibility to
52 transfer. Any student who transfers but later withdraws shall lose
53 eligibility to transfer. The transfer provisions of this subsection shall
54 not apply to a district created under sections 162.815 to 162.840 or to
55 any early childhood programs or early childhood special education
56 programs.

57 4. No unaccredited school or provisionally accredited school
58 shall be eligible to receive transfer students; however, a transfer
59 student who chooses to attend a provisionally accredited school in the
60 district of residence shall be allowed to transfer to such school if there
61 is an available slot. No charter school with a score of less than seventy
62 percent on its annual performance report shall be eligible to receive
63 nonresident transfer students. No attendance center with a three-year
64 average score of seventy percent or lower on its annual performance
65 report shall be eligible to receive any transfer students, irrespective of
66 its state board of education classification designation, except that any
67 student who was granted a transfer to such an attendance center prior
68 to the effective date of this section may remain enrolled in that

69 attendance center.

70 **5. For a receiving district or a charter school, no acceptance of**
71 **a transfer student shall require any of the following actions, unless the**
72 **school board of the receiving district or the receiving charter school's**
73 **governing board has approved the action:**

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

77 **(2) The hiring of additional classroom teachers; or**

78 **(3) The construction of additional classrooms.**

79 **6. Each receiving district and charter school shall have the right**
80 **to establish and adopt, by objective means, a policy for desirable class**
81 **size and student-teacher ratios. A district's policy may allow for**
82 **estimated growth in the resident student population. A charter school**
83 **may use the class size, student-teacher ratios, and growth projections**
84 **for student enrollment contained in the charter school's charter**
85 **application and charter when adopting a policy. Any district or charter**
86 **school that adopts such a policy shall do so by January 1 annually. A**
87 **receiving district or charter school shall publish its policy and shall not**
88 **be required to accept any transfer students under this section that**
89 **would violate its class size or student-teacher ratio. If a student**
90 **seeking to transfer is denied admission to a district or charter school**
91 **based on a lack of space under the policy, the student or the student's**
92 **parent or guardian may appeal the ruling to the state board of**
93 **education if he or she believes the district's policy or charter school's**
94 **policy is unduly restrictive to student transfers. If more than one**
95 **student or parent appeals a denial of admission from the same district**
96 **or charter school to the state board of education, the state board shall**
97 **make an effort to hear such actions at the same time. If the state board**
98 **of education finds that the policy is unduly restrictive to student**
99 **transfers, the state board may limit the policy. The state board's**
100 **decision shall be final.**

101 **7. (1) Each receiving district shall adopt a policy establishing a**
102 **tuition rate by February first annually. The rate of tuition to be**
103 **charged by the district attended and paid by the sending district is the**
104 **per pupil cost of maintaining the receiving district's grade level**
105 **grouping which includes the school attended. The cost of maintaining**

106 a grade level grouping shall be determined by the school board of the
107 receiving district but in no case shall it exceed all amounts spent for
108 teachers' wages, incidental purposes, debt service, maintenance, and
109 replacements. The term "debt service", as used in this section, means
110 expenditures for the retirement of bonded indebtedness and
111 expenditures for interest on bonded indebtedness. Per pupil cost of the
112 grade level grouping shall be determined by dividing the cost of
113 maintaining the grade level grouping by the average daily pupil
114 attendance. However, at no time shall a receiving district receive
115 tuition from a sending district that exceeds the receiving district's per
116 pupil expenditure for its resident students. If there is disagreement as
117 to the amount of tuition to be paid, the facts shall be submitted to the
118 state board of education, and its decision in the matter shall be final.

119 (2) Each charter school that receives transfer students shall
120 adopt a policy establishing a tuition rate by February first
121 annually. The rate of tuition to be charged by the charter school
122 attended and paid by the sending district is the per pupil cost of
123 maintaining the receiving charter school's grade level grouping which
124 includes the school attended. The cost of maintaining a grade level
125 grouping shall be determined by the governing board of the charter
126 school but in no case shall it exceed all amounts for teachers' wages,
127 incidental purposes, maintenance, and replacements. Per pupil cost of
128 the grade level grouping shall be determined by dividing the cost of
129 maintaining the grade level grouping by the average daily pupil
130 attendance. However, at no time shall a charter school receive tuition
131 from a sending district that exceeds the charter school's per pupil
132 expenditure for its enrolled students. If there is disagreement as to the
133 amount of tuition to be paid, the facts shall be submitted to the state
134 board of education, and its decision in the matter shall be final.

135 (3) If any receiving district chooses to charge a rate of tuition
136 that is seventy percent or less of the per-pupil cost of maintaining the
137 sending district's grade level grouping as calculated under subdivision
138 (1) of this subsection, then no statewide assessment scores and no other
139 performance data for those students whom the district received shall
140 be used for five school years when calculating the performance of the
141 receiving district for purposes of the Missouri school improvement
142 program. For any district that chooses to charge such a rate under this

143 subdivision, the department of elementary and secondary education
144 shall consider such action as an additional criterion when determining
145 whether to assign the receiving district a classification of accredited
146 with distinction. If any receiving charter school chooses to charge a
147 rate of tuition that is seventy percent or less of the per-pupil cost of
148 maintaining the sending district's grade level grouping as calculated
149 under subdivision (1) of this subsection, then no statewide assessment
150 scores and no other performance data for those students whom the
151 charter school received shall be used for five school years when
152 calculating the charter school's annual performance report.

153 (4) The school board of a receiving district or the governing
154 board of a charter school, upon a majority vote of the board, may
155 choose to charge a rate of tuition less than the amount that would
156 otherwise be calculated under this subsection. If the school board of
157 a receiving district or the governing board of a charter school, upon a
158 majority vote of the board, chooses to charge a rate of tuition that is
159 less than ninety percent of the rate that would otherwise be calculated
160 under this subsection, ten percent of the receiving district's or charter
161 school's tuition rate shall be paid from the supplemental tuition
162 fund. There is hereby created in the state treasury the "Supplemental
163 Tuition Fund". The fund shall consist of any moneys appropriated
164 annually by the general assembly from general revenue to such fund,
165 any moneys paid into the state treasury and required by law to be
166 credited to such fund and any gifts, bequests or public or private
167 donations to such fund. The state treasurer shall be custodian of the
168 fund. The department of elementary and secondary education shall
169 administer the fund. In accordance with sections 30.170 and 30.180, the
170 state treasurer may approve disbursements. The fund shall be a
171 dedicated fund and, upon appropriation, money in the fund shall be
172 used solely for the administration of this section. Notwithstanding the
173 provisions of section 33.080 to the contrary, any moneys remaining in
174 the fund at the end of the biennium shall not revert to the credit of the
175 general revenue fund. The state treasurer shall invest moneys in the
176 fund in the same manner as other funds are invested. Any interest and
177 moneys earned on such investments shall be credited to the fund.

178 (5) Any school district that received transfer students in the
179 2013-2014 or 2014-2015 school years may adjust the tuition paid by the

180 sending district to seventy percent of the per-pupil cost of maintaining
181 the sending district's grade level grouping as calculated under
182 subdivision (1) of this subsection. In such a situation, no statewide
183 assessment scores and no other performance data for those students
184 shall be used for five school years when calculating the receiving
185 district's performance for purposes of the Missouri school improvement
186 program.

187 (6) For each student who transfers to another district or charter
188 school, the student's district of residence shall pay the tuition amount
189 for each transfer student to the receiving district or receiving charter
190 school in two increments annually, once at the start of the school year
191 and once at the start of the second semester of the school year.

192 8. If an unaccredited school becomes classified as provisionally
193 accredited or accredited without provisions by the state board of
194 education, any student who was assigned to such attendance center and
195 who has transferred under one of the options in subsection 2 of this
196 section shall be permitted to continue his or her educational program
197 in that education option through the completion of middle school,
198 junior high school, or high school, whichever occurs first, except that
199 a student who attends any school serving students through high school
200 graduation but starting at grades lower than ninth grade shall be
201 permitted to complete high school in the school to which he or she has
202 transferred.

203 9. When a district operates an unaccredited school, the education
204 authority for the county in which the district is located shall designate
205 at least one accredited district in the same or an adjoining county to
206 which the district operating the unaccredited school shall provide
207 transportation for transfer students. If the designated district reaches
208 full student capacity and is unable to receive additional students, the
209 education authority shall designate at least one additional accredited
210 district to which the district operating an unaccredited school shall
211 provide transportation for transfer students.

212 10. Notwithstanding the provisions of subsection 7 of this section
213 to the contrary, where costs associated with the provision of special
214 education and related services to a student with a disability exceed the
215 tuition amount established under this section, the transfer student's
216 district of residence shall remain responsible to pay the excess cost to

217 the receiving district or receiving charter school. When the receiving
218 district is a component district of a special school district, the transfer
219 student's district of residence, including any metropolitan school
220 district, shall contract with the special school district for the entirety
221 of the costs to provide special education and related services, excluding
222 transportation pursuant to this section. The special school district may
223 contract with a district operating an unaccredited school, including
224 any metropolitan district, for the provision of transportation of a
225 student with a disability or a district operating an unaccredited school
226 may provide transportation on its own.

227 11. A special school district shall continue to provide special
228 education and related services, with the exception of transportation
229 under this section, to a student with a disability transferring from an
230 unaccredited school within a component district to an accredited
231 school within the same or a different component district within the
232 special school district.

233 12. When any metropolitan district operates an unaccredited
234 school, it shall remain responsible for the provision of special
235 education and related services, including transportation, to students
236 with disabilities. A special school district in an adjoining county to a
237 metropolitan school district may contract with the metropolitan school
238 district for the reimbursement of special education services pursuant
239 to sections 162.705 and 162.710 provided by the special school district
240 for transfer students who are residents of the district operating an
241 unaccredited school.

242 13. Regardless of whether transportation is identified as a
243 related service within a student's individualized education program, a
244 receiving district that is not part of a special school district shall not
245 be responsible for providing transportation to a student transferring
246 under this section. A district operating an unaccredited school may
247 contract with a receiving district that is not part of a special school
248 district pursuant to sections 162.705 and 162.710 for transportation of
249 students with disabilities.

250 14. When a seven-director district or urban school district
251 operates an unaccredited school, it may contract with a receiving
252 district that is not part of a special school district in the same or an
253 adjoining county for the reimbursement of special education and

254 related services pursuant to sections 162.705 and 162.710 provided by
255 the receiving district for transfer students who are residents of the
256 district operating an unaccredited school.

167.827. 1. By August 1, 2015, and by January first annually,
2 each district any portion of which is located in the same county as or
3 in an adjoining county to a district operating an unaccredited school
4 shall report to the education authority for the county in which the
5 district is located its number of available enrollment slots in accredited
6 schools by grade level. Each district operating an unaccredited school
7 shall report to the education authority the number of available
8 enrollment slots in the accredited schools of the district by August 1,
9 2015 and by January first annually. Each charter school with an
10 annual performance report score of seventy percent or greater in
11 another district in the same or an adjoining county as a district
12 operating an unaccredited school shall report the number of available
13 enrollment slots by August 1, 2015 and by January first annually.

14 2. Any education authority whose geographic area includes a
15 district operating an unaccredited school shall make information and
16 assistance available to parents or guardians who intend to transfer
17 their child from an unaccredited school to an accredited school in
18 another district in the same or an adjoining county, a charter school in
19 another district in the same or an adjoining county, a virtual school of
20 choice under section 162.1250, or the virtual public school established
21 in section 161.670.

22 3. The parent or guardian of a student who intends to transfer
23 his or her child from an unaccredited school to an accredited school in
24 another district in the same or an adjoining county, a charter school in
25 another district in the same or an adjoining county, a virtual school of
26 choice under section 162.1250, or the virtual public school established
27 in section 161.670 shall send initial notification to the education
28 authority for the county in which he or she resides by March first for
29 enrollment in the subsequent school year.

30 4. The education authority whose geographic area includes a
31 district that operates an unaccredited school shall assign those
32 students who are unable to transfer to an accredited school in their
33 district of residence and seek to transfer to an accredited school in
34 another district in the same or an adjoining county, a charter school in

35 another district in the same or an adjoining county, a virtual school of
36 choice under section 162.1250, or the virtual public school established
37 in section 161.670. When assigning transfer students to charter schools,
38 an education authority shall coordinate with each charter school and
39 its admissions process if capacity is insufficient to enroll all students
40 who submit a timely application. The authority shall give first priority
41 to students who live in the same household with any family member
42 within the first or second degree of consanguinity or affinity who have
43 already transferred and who apply to attend the same school. If
44 insufficient grade-appropriate enrollment slots are available for a
45 student to be able to transfer, that student shall receive first priority
46 the following school year. The authority shall only disrupt student and
47 parent choice for transfer if a receiving district's, receiving charter
48 schools', virtual school of choice's, or the virtual public school's
49 available slots are requested by more students than there are slots
50 available. The authority shall consider the following factors in
51 assigning schools, with the student's or parent's choice as the most
52 important factor:

- 53 (1) The student's or parent's choice of the receiving school;
- 54 (2) The best interests of the student; and
- 55 (3) Distance and travel time to a receiving school.

56 The education authority shall not consider student academic
57 performance, free and reduced price lunch status, or athletic ability in
58 assigning a student to a school.

59 5. An education authority may deny a transfer to a student who
60 in the most recent school year has been suspended from school two or
61 more times or who has been suspended for an act of school violence
62 under subsection 2 of section 160.261. A student whose transfer is
63 initially precluded under this subsection may be permitted to transfer
64 on a provisional basis as a probationary transfer student, subject to no
65 further disruptive behavior, upon a statement from the student's
66 current school that the student is not disruptive. A student who is
67 denied a transfer under this subsection has the right to an in-person
68 meeting with a representative of the authority. Each education
69 authority shall develop administrative guidelines to provide common
70 standards for determining disruptive behavior which shall include, but
71 not be limited to, criteria under the safe schools act.

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 operates an unaccredited school, the
13 authority shall coordinate student transfers from unaccredited schools
14 to accredited schools in other districts in the same or an adjoining
15 county, to virtual schools of choice under section 162.1250, to the
16 virtual public school established in section 161.670, and if applicable,
17 to charter schools with an annual performance report score of seventy
18 percent or greater in another district in the same or an adjoining
19 county.

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

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

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

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

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

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

74 **7. Meetings, records, and operations of the authority shall be**

75 subject to the provisions of chapter 610.

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

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

80 (2) Adopt bylaws for the regulation of its affairs and the conduct
81 of its business;

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

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

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

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

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

93 (8) Coordinate and collaborate with local districts, charter
94 schools, and local governments for the transfer of students, as provided
95 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
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 167.830 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 operates an unaccredited school, the authority shall coordinate**
13 **student transfers from unaccredited schools to accredited schools in**
14 **other districts in the same or an adjoining county, to virtual schools of**
15 **choice under section 162.1250, to the virtual public school established**
16 **in section 161.670, and if applicable, to charter schools with an annual**
17 **performance report score of seventy percent or greater in another**
18 **district in the same or an adjoining county.**

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

33 thousand but fewer than seven hundred thousand inhabitants. The
34 members shall reflect the population characteristics of the districts
35 they represent. Not more than three of the five members of the
36 authority shall be of the same political party. The length of term for
37 members shall be six years except for the initial members, who shall be
38 appointed in the following manner:

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

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

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

60 6. One member of the authority, designated by the governor for
61 the purpose, shall call and convene the initial organizational meeting
62 of the authority and shall serve as its president pro tempore. At the
63 initial meeting and annually thereafter, the authority shall elect one of
64 its members as president. The authority may appoint an executive
65 director who shall not be a member of the authority and who shall
66 serve at its pleasure. If an executive director is appointed, he or she
67 shall receive such compensation as shall be fixed from time to time by
68 action of the authority. The authority shall appoint a member as
69 secretary who shall keep a record of the proceedings of the authority

70 and shall be the custodian of all books, documents, and papers filed
71 with the authority, the minute books or journal thereof, and its official
72 seal. The secretary may cause copies to be made of all minutes and
73 other records and documents of the authority and may give certificates
74 under the official seal of the authority to the effect that the copies are
75 true and correct copies, and all persons dealing with the authority may
76 rely on such certificates. The authority, by resolution duly adopted,
77 shall fix the powers and duties of its executive director as it may, from
78 time to time, deem proper and necessary.

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

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

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

85 (2) Adopt bylaws for the regulation of its affairs and the conduct
86 of its business;

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

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

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

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

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

98 (8) Coordinate and collaborate with local districts, charter
99 schools, and local governments for the transfer of students, as provided
100 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 operates an unaccredited school, the authority
18 shall coordinate student transfers from unaccredited schools to
19 accredited schools in other districts in the same or an adjoining county,
20 to virtual schools of choice under section 162.1250, the virtual public
21 school established in section 161.670, and if applicable, to charter
22 schools with an annual performance report score of seventy percent or

23 greater in another district in the same or an adjoining county.

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

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

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

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

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

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

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

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

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

80 (2) Adopt bylaws for the regulation of its affairs and the conduct
81 of its business;

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

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

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

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

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

93 (8) Coordinate and collaborate with local districts, charter
94 schools, and local governments for the transfer of students, as provided
95 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,
2 162.1250, 162.1310, 162.1313, 167.642, 167.685, 167.688, and 167.825 to
3 167.848, the following terms shall mean:

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

8 (2) "Accredited school", an attendance center that is classified as
9 accredited or accredited with distinction by the state board of
10 education pursuant to the authority of the state board of education to
11 classify schools as established in sections 161.087, 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 that 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) "Provisionally accredited district", a school district that is
24 classified as provisionally accredited by the state board of education
25 pursuant to the authority of the state board of education to classify
26 schools as established in sections 161.087 and 161.092;

27 (7) "Provisionally accredited school", an attendance center that
28 is classified as provisionally accredited by the state board of education
29 pursuant to the authority of the state board of education to classify
30 schools as established in sections 161.087, 161.092, and 161.238;

31 (8) "Unaccredited district", a school district classified as
32 unaccredited by the state board of education pursuant to the authority
33 of the state board of education to classify schools as established in
34 sections 161.087 and 161.092;

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

39 (10) "Underperforming", a school district or an attendance center
40 that has been classified as unaccredited or provisionally accredited
41 pursuant to the authority of the state board of education to classify
42 schools or has a three-year average annual performance report score
43 consistent with a classification of provisionally accredited or
44 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. Any entity that offers online tutoring services under this
30 section shall maintain an archive of all communications between
31 students and tutors for two years.

32 7. School districts may use available funds or seek grants from
33 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 by the state board**
45 **of education or that is accredited but has a three-year average annual**
46 **performance report score consistent with a classification of**
47 **unaccredited or provisionally accredited may increase the length of the**
48 **school day upon adoption of a resolution by a majority vote to**
49 **authorize such action. Such a school district may also increase the**
50 **annual hours of instruction above the required number of hours in**
51 **subsection 1 of this section by the adoption of a resolution by a**
52 **majority vote to authorize such action.**

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

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

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

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

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

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

11 **2. For purposes of this section, the term "occupied" shall mean a**
12 **district-owned building used for the education of children between the**
13 **ages of four and twenty-one for at least three hours a day for a school**
14 **term.**

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775
2 is established, the governing body of the city or county or city not within a county
3 shall appoint a board of directors consisting of nine members, who shall be
4 residents of the city or county or city not within a county. All board members
5 shall be appointed to serve for a term of three years, except that of the first board
6 appointed, three members shall be appointed for one-year terms, three members
7 for two-year terms and three members for three-year terms. Board members may
8 be reappointed. In a city not within a county, or any county of the first
9 classification with a charter form of government with a population not less than
10 nine hundred thousand inhabitants, or any county of the first classification with
11 a charter form of government with a population not less than two hundred
12 thousand inhabitants and not more than six hundred thousand inhabitants, or

13 any noncharter county of the first classification with a population not less than
14 one hundred seventy thousand and not more than two hundred thousand
15 inhabitants, or any noncharter county of the first classification with a population
16 not less than eighty thousand and not more than eighty-three thousand
17 inhabitants, or any third classification county with a population not less than
18 twenty-eight thousand and not more than thirty thousand inhabitants, or any
19 county of the third classification with a population not less than nineteen
20 thousand five hundred and not more than twenty thousand inhabitants the
21 members of the community mental health board of trustees appointed pursuant
22 to the provisions of sections 205.975 to 205.990 shall be the board members for
23 the community children's services fund. The directors shall not receive
24 compensation for their services, but may be reimbursed for their actual and
25 necessary expenses.

26 2. The board shall elect a chairman, vice chairman, treasurer, and such
27 other officers as it deems necessary for its membership. Before taking office, the
28 treasurer shall furnish a surety bond, in an amount to be determined and in a
29 form to be approved by the board, for the faithful performance of his or her duties
30 and faithful accounting of all moneys that may come into his or her hands. The
31 treasurer shall enter into the surety bond with a surety company authorized to
32 do business in Missouri, and the cost of such bond shall be paid by the board of
33 directors. The board shall administer and expend all funds generated pursuant
34 to section 210.860 or section 67.1775 in a manner consistent with this section.

35 3. The board may contract with public or not-for-profit agencies licensed
36 or certified where appropriate to provide qualified services and may place
37 conditions on the use of such funds. The board shall reserve the right to audit
38 the expenditure of any and all funds. The board and any agency with which the
39 board contracts may establish eligibility standards for the use of such funds and
40 the receipt of services. No member of the board shall serve on the governing
41 body, have any financial interest in, or be employed by any agency which is a
42 recipient of funds generated pursuant to section 210.860 or section 67.1775.

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

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

48 (2) Outpatient chemical dependency and psychiatric treatment programs;

49 counseling and related services as a part of transitional living programs;
50 home-based and community-based family intervention programs; unmarried
51 parent services; crisis intervention services, inclusive of telephone hotlines; and
52 prevention programs which promote healthy lifestyles among children and youth
53 and strengthen families;

54 (3) Individual, group, or family professional counseling and therapy
55 services; psychological evaluations; and mental health screenings.

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

59 **6. (1) In fiscal years 2016 and 2017, in any county with a charter**
60 **form of government and with more than nine hundred fifty thousand**
61 **inhabitants that contains all or any portion of a school district that has**
62 **been designated as unaccredited or provisionally accredited by the**
63 **state board of education, up to five percent of the service fund's yearly**
64 **revenues, based on the total dollar amount needed to provide services**
65 **as determined by a needs assessment, shall be devoted to a grant**
66 **program that delivers services directly to schools in such districts**
67 **according to the procedure in this subsection. The president of the**
68 **school board shall notify the board of directors within five business**
69 **days after such designation. The board shall, in its budget process for**
70 **the following fiscal year, ensure that the total amount of funds needed**
71 **to provide services based on the needs assessment is allocated**
72 **according to this subsection, not to exceed five percent of the service**
73 **fund's yearly revenues. If the total amount of funds needed to provide**
74 **such services exceeds five percent of the service fund's yearly revenues,**
75 **the funds shall be distributed in an order based on the greatest need**
76 **for each district. Any moneys distributed from the fund to a district**
77 **shall be subject to an annual audit.**

78 (2) The board shall undertake a needs assessment for any such
79 school district within ninety days after receipt of the notice under this
80 subsection. The needs assessment shall be used as a basis for
81 comprehensive mental health wraparound services delivery for which
82 the board shall contract as provided under subsection 3 of this section.

83 (3) The board shall appoint one of its members to a direct school
84 service coordinating committee, which is hereby created. The board
85 may appoint an additional one of its members to serve as an ex-officio

86 member. The board shall appoint a social worker to the
87 committee. The school board of each affected district shall appoint two
88 parents with a child enrolled in a public school in the district based on
89 school district identification numbers from the department of
90 elementary and secondary education, rotating year to year from highest
91 number to lowest number. The school board of each affected district
92 shall appoint a school services staff member. The superintendent of
93 each affected district shall serve on the committee. An additional
94 member from each affected district may be appointed to serve as an ex-
95 officio member.

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

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

103 (6) The provisions of this subsection shall terminate on June 30,
104 2017.

Section 1. 1. By September 1, 2015, each school district shall
2 identify any district-owned buildings that are vacant and unused for
3 classroom instruction. Each district shall obtain an outside appraisal
4 of each such building and prepare a cost estimate for each building to
5 be refurbished and brought into compliance with any required health,
6 safety, or occupancy code.

7 2. Between September 1, 2015, and October 1, 2015, each district
8 shall publicly list any such building for sale with no restrictions in the
9 deed prohibiting such building from being used for education purposes.

10 3. By March 1, 2016, the district shall place any such buildings
11 that have not been sold into the level one pool. However, the district
12 may designate up to twenty-five percent of such buildings as franchise
13 buildings. For any franchise building, the district shall develop a plan
14 to return the building to use within three school years.

15 4. By May 1, 2016, the district shall place any buildings not sold
16 through the level one pool into the level two pool.

17 5. By July 1, 2016, the district shall place any buildings not sold
18 through the level two pool into the level three pool. For any building

19 sold through the level three pool, the district shall retain a
20 reversionary interest in the building. If the purchaser is a charter
21 school, the building shall revert to the district if the charter school
22 ceases operation. If the purchaser is an entity other than a charter
23 school, the building shall revert to the district after two years if the
24 purchaser does not begin renovating or refurbishment or a repurposing
25 of the building during that time.

26 **6. For purposes of this section, the following terms shall mean:**

27 **(1) "Certified public bidder", any public library, local community**
28 **center, charter school, or political subdivision;**

29 **(2) "Level one pool", the time at which a district makes buildings**
30 **available for sale at auction at fifty percent of the appraised**
31 **value. Bidding is limited to certified public bidders only;**

32 **(3) "Level two pool", the time at which a district makes buildings**
33 **available for sale at auction at twenty-five percent of the appraised**
34 **value. Bidding is available to any public or private entity;**

35 **(4) "Level three pool", the time at which a district makes**
36 **buildings available for sale for a nominal fee.**

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.

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