

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILL NOS. 493, 485, 495, 516,
534, 545, 595, 616, & 624**

97TH GENERAL ASSEMBLY

4627L.09C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 163.073, 163.172, 163.410, 167.131, 171.029, 171.031, 171.033, 177.011, and 177.088, RSMo, and to enact in lieu thereof forty-three new sections relating to elementary and secondary education, with an emergency clause and an effective date for certain sections.

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

Section A. Sections 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 162.081, 2 162.1250, 163.021, 163.036, 163.073, 163.172, 163.410, 167.131, 171.029, 171.031, 171.033, 3 177.011, and 177.088, RSMo, are repealed and forty-three new sections enacted in lieu thereof, 4 to be known as sections 160.011, 160.041, 160.400, 160.405, 160.408, 160.415, 160.417, 5 161.084, 161.086, 161.238, 162.081, 162.432, 162.1250, 162.1303, 162.1310, 163.021, 163.036, 6 163.073, 163.172, 163.410, 167.131, 167.685, 167.687, 167.730, 167.825, 167.826, 167.827, 7 167.828, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 168.205, 170.215, 8 170.320, 171.031, 171.033, 177.011, 177.088, and 1, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 2 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban, 4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not 6 higher than the eighth grade;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of
8 sufficient duration, to make sustainable changes in families that include:
- 9 (a) Interactive literacy activities between parents and their children;
- 10 (b) Training of parents regarding how to be the primary teacher of their children and full
11 partners in the education of their children;
- 12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and
- 14 (d) An age-appropriate education to prepare children of all ages for success in school;
- 15 (4) "Graduation rate", the [quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year] **graduation rate determined by the annual performance report
21 required by the Missouri school improvement program;**
- 22 (5) "High school", a public school giving instruction in a grade or grades not lower than
23 the ninth nor higher than the twelfth grade;
- 24 (6) "Metropolitan school district", any school district the boundaries of which are
25 coterminous with the limits of any city which is not within a county;
- 26 (7) "Public school" includes all elementary and high schools operated at public expense;
- 27 (8) "School board", the board of education having general control of the property and
28 affairs of any school district;
- 29 (9) "School term", a minimum of one [hundred seventy-four school days, as that term
30 is defined in section 160.041, for schools with a five-day school week or a minimum of one
31 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
32 four-day school week, and one] thousand forty-four hours of actual pupil attendance as scheduled
33 by the board pursuant to section 171.031 during a twelve-month period in which the academic
34 instruction of pupils is actually and regularly carried on for a group of students in the public
35 schools of any school district **and, as of school year 2015-16, one thousand eighty hours of
36 actual pupil attendance.** A school term may be within a school year or may consist of parts of
37 two consecutive school years, but does not include summer school. A district may choose to
38 operate two or more terms for different groups of children. A school term for students
39 participating in a school flex program as established in section 160.539 may consist of a
40 combination of actual pupil attendance and attendance at college or technical career education
41 or approved employment aligned with the student's career academic plan for a total of one
42 thousand [forty-four] **eighty** hours;

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

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

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

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

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

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

7 **2. Beginning with school year 2015-16, in any regular or summer school term**
8 **scheduled for the month of June, July, or August, the school week shall be limited to no**
9 **more than four days. In any summer school term, school days shall be scheduled so that**
10 **no school day shall be scheduled during the calendar week of July fourth if the holiday**
11 **falls on a business day; if the holiday falls on a weekend, school days shall be scheduled so**
12 **that students shall have at least four days off in any configuration during the calendar**
13 **week that includes a Saturday holiday or the calendar week that includes a Sunday**
14 **holiday.**

15 [2.] **3.** Notwithstanding the provisions of [subsection 1 of this section] **subdivision (9)**
16 **of section 160.011**, the commissioner of education is authorized to reduce the required number
17 of hours [and days] in which the pupils are under the guidance and direction of teachers in the
18 teaching process if:

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

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

23

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

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

2 2. Except as further provided in subsection 4 of this section, charter schools may be
3 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 population greater
6 than three hundred fifty thousand inhabitants;

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

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

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

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

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

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

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

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

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

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

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

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

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

52 **(8) A combination of school boards of districts that are accredited without**
53 **provisions by the state board of education in collaboration, in a district classified as**
54 **unaccredited by the state board of education; or**

55 **(9) A cooperative association of school districts, in a district classified as**
56 **unaccredited by the state board of education.**

57 4. Changes in a school district's accreditation status that affect charter schools shall be
58 addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection
59 2 of this section:

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

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

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

71

72 A charter school operating in a school district identified in subdivision (1) or (2) of subsection
73 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section,

74 irrespective of the accreditation classification of the district in which it is located. A charter
75 school in a district described in this subsection whose charter provides for the addition of grade
76 levels in subsequent years may continue to add levels until the planned expansion is complete
77 to the extent of grade levels in comparable schools of the district in which the charter school is
78 operated.

79 5. The mayor of a city not within a county may request a sponsor under subdivision (2),
80 (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter
81 school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with
82 the ability to target prospective students whose parent or parents are employed in a business
83 district, as defined in the charter, which is located in the city.

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

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

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

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

98 10. A charter school may affiliate with a four-year college or university, including a
99 private college or university, or a community college as otherwise specified in subsection 3 of
100 this section when its charter is granted by a sponsor other than such college, university or
101 community college. Affiliation status recognizes a relationship between the charter school and
102 the college or university for purposes of teacher training and staff development, curriculum and
103 assessment development, use of physical facilities owned by or rented on behalf of the college
104 or university, and other similar purposes. A university, college or community college may not
105 charge or accept a fee for affiliation status.

106 11. The expenses associated with sponsorship of charter schools shall be defrayed by the
107 department of elementary and secondary education retaining one and five-tenths percent of the
108 amount of state and local funding allocated to the charter school under section 160.415, not to
109 exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of

110 elementary and secondary education shall remit the retained funds for each charter school to the
111 school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
112 obligations under sections 160.400 to 160.425 and 167.349 with regard to each charter school
113 it sponsors, including appropriate demonstration of the following:

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

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

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

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

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

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

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

133 14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349
134 without ensuring that a criminal background check and family care safety registry check are
135 conducted for all members of the governing board of the charter schools or the incorporators of
136 the charter school if initial directors are not named in the articles of incorporation, nor shall a
137 sponsor renew a charter without ensuring a criminal background check and family care registry
138 check are conducted for each member of the governing board of the charter school.

139 15. No member of the governing board of a charter school shall hold any office or
140 employment from the board or the charter school while serving as a member, nor shall the
141 member have any substantial interest, as defined in section 105.450, in any entity employed by
142 or contracting with the board. No board member shall be an employee of a company that
143 provides substantial services to the charter school. All members of the governing board of the
144 charter school shall be considered decision-making public servants as defined in section 105.450

145 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
146 105.487, and 105.489.

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

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

153 (2) The granting of a charter;

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

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

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

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

163

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

165 17. (1) A sponsor shall provide timely submission to the state board of education of all
166 data necessary to demonstrate that the sponsor is in material compliance with all requirements
167 of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure
168 each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and
169 167.349 for each charter school sponsored by any sponsor. The state board shall notify each
170 sponsor of the standards for sponsorship of charter schools, delineating both what is mandated
171 by statute and what best practices dictate. The state board shall evaluate sponsors to determine
172 compliance with these standards every three years. The evaluation shall include a sponsor's
173 policies and procedures in the areas of charter application approval; required charter agreement
174 terms and content; sponsor performance evaluation and compliance monitoring; and charter
175 renewal, intervention, and revocation decisions. Nothing shall preclude the department from
176 undertaking an evaluation at any time for cause.

177 (2) If the department determines that a sponsor is in material noncompliance with its
178 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If
179 remediation does not address the compliance issues identified by the department, the
180 commissioner of education shall conduct a public hearing and thereafter provide notice to the

181 charter sponsor of corrective action that will be recommended to the state board of education.
182 Corrective action by the department may include withholding the sponsor's funding and
183 suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any
184 additional school until the sponsor is reauthorized by the state board of education under section
185 160.403.

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

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

194 **18. When a sponsor notifies a charter school of closure under subsection 8 of**
195 **section 160.405, the department of elementary and secondary education shall exercise its**
196 **financial withholding authority under subsection 12 of section 160.415 to assure all**
197 **obligations of the charter school shall be met. The state shall not be liable for any**
198 **outstanding liability or obligations of the charter school. If the assets of the school are**
199 **insufficient to pay all parties to whom the school owes compensation, the prioritization of**
200 **the distribution of assets may be determined by a court of law.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall [be] **include** a legally binding
8 performance contract that describes the obligations and responsibilities of the school and the
9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall [also include]
10 **address the following:**

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

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

- 16 (3) A financial plan for the first three years of operation of the charter school including
17 provisions for annual audits;
- 18 (4) A description of the charter school's policy for securing personnel services, its
19 personnel policies, personnel qualifications, and professional development plan;
- 20 (5) A description of the grades or ages of students being served;
- 21 (6) The school's calendar of operation, which shall include at least the equivalent of a
22 full school term as defined in section 160.011;
- 23 (7) A description of the charter school's pupil performance standards and academic
24 program performance standards, which shall meet the requirements of subdivision (6) of
25 subsection 4 of this section. The charter school program shall be designed to enable each pupil
26 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and
27 targets for academic program performance, including specific goals on graduation rates and
28 standardized test performance and academic growth;
- 29 (8) A description of the charter school's educational program and curriculum;
- 30 (9) The term of the charter, which shall be five years and shall be renewable;
- 31 (10) Procedures, consistent with the Missouri financial accounting manual, for
32 monitoring the financial accountability of the charter, which shall meet the requirements of
33 subdivision (4) of subsection 4 of this section;
- 34 (11) Preopening requirements for applications that require that charter schools meet all
35 health, safety, and other legal requirements prior to opening;
- 36 (12) A description of the charter school's policies on student discipline and student
37 admission, which shall include a statement, where applicable, of the validity of attendance of
38 students who do not reside in the district but who may be eligible to attend under the terms of
39 judicial settlements and procedures that ensure admission of students with disabilities in a
40 nondiscriminatory manner;
- 41 (13) A description of the charter school's grievance procedure for parents or guardians;
- 42 (14) A description of the agreement between the charter school and the sponsor as to
43 when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for
44 failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter
45 under subsection 9 of this section;
- 46 (15) Procedures to be implemented if the charter school should close, as provided in
47 subdivision (6) of subsection 16 of section 160.400 including:
- 48 (a) Orderly transition of student records to new schools and archival of student records;
- 49 (b) Archival of business operation and transfer or repository of personnel records;
- 50 (c) Submission of final financial reports;
- 51 (d) Resolution of any remaining financial obligations; and

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

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

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

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

63

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

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

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

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

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

79 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
80 to the state board of education, along with the sponsor's written reasons for its denial. If the state
81 board determines that the applicant meets the requirements of this section, that the applicant is
82 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
83 would be likely to provide educational benefit to the children of the district, the state board may
84 grant a charter and act as sponsor of the charter school. The state board shall review the
85 proposed charter and make a determination of whether to deny or grant the proposed charter
86 within sixty days of receipt of the proposed charter, provided that any charter to be considered
87 by the state board of education under this subdivision shall be submitted no later than March first

88 prior to the school year in which the charter school intends to begin operations. The state board
89 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

90 (5) The sponsor of a charter school shall give priority to charter school applicants that
91 propose a school oriented to high-risk students and to the reentry of dropouts into the school
92 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
93 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
94 body and address the needs of dropouts or high-risk students through their proposed mission,
95 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
96 student is one who is at least one year behind in satisfactory completion of course work or
97 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out
98 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended
99 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,
100 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is
101 homeless or has been homeless sometime within the preceding six months, has been referred by
102 an area school district for enrollment in an alternative program, or qualifies as high risk under
103 department of elementary and secondary education guidelines. "Dropout" shall be defined
104 through the guidelines of the school core data report. The provisions of this subsection do not
105 apply to charters sponsored by the state board of education.

106 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
107 state board of education, along with a statement of finding **by the sponsor** that the application
108 meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring
109 plan under which the charter sponsor shall evaluate the academic performance of students
110 enrolled in the charter school. The state board of education [may, within] **has** sixty days[,
111 disapprove the granting of the charter.] **from receipt of the charter application to approve or**
112 **deny the application. Any charter application received by the state board of education on**
113 **or before November fifteenth of the year prior to the proposed opening of the charter**
114 **school shall be considered by the state board of education within the sixty-day period. At**
115 **the conclusion of the sixty-day period, the charter application shall be deemed approved**
116 **unless** the state board of education [may disapprove a] **disapproves** the charter on grounds that
117 the application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349
118 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter
119 sponsor. **Any disapproval of a charter application made by the state board of education**
120 **shall be in writing and shall identify the specific failures of the application to meet the**
121 **requirements of sections 160.400 to 160.425 and section 167.349, and the written**
122 **disapproval shall be provided within ten business days to the sponsor.**

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

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

126 (2) Comply with laws and regulations of the state, county, or city relating to health,
127 safety, and state minimum educational standards, as specified by the state board of education,
128 including the requirements relating to student discipline under sections 160.261, 167.161,
129 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
130 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school
131 records under section 167.020, the minimum number of school [days and] hours required under
132 section [160.041] **171.031**, and the employee criminal history background check and the family
133 care safety registry check under section 168.133;

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

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

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

153 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
154 adopted by the state board of education pursuant to section 160.514, establish baseline student
155 performance in accordance with the performance contract during the first year of operation,
156 collect student performance data as defined by the annual performance report throughout the
157 duration of the charter to annually monitor student academic performance, and to the extent
158 applicable based upon grade levels offered by the charter school, participate in the statewide
159 system of assessments, comprised of the essential skills tests and the nationally standardized

160 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
161 complete and distribute an annual report card as prescribed in section 160.522, which shall also
162 include a statement that background checks have been completed on the charter school's board
163 members, report to its sponsor, the local school district, and the state board of education as to
164 its teaching methods and any educational innovations and the results thereof, and provide data
165 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter
166 school shall be considered in the Missouri school improvement program review of the district
167 in which it is located for the resource or process standards of the program.

168 (b) For proposed high risk or alternative charter schools, sponsors shall approve
169 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
170 shall also approve comprehensive academic and behavioral measures to determine whether
171 students are meeting performance standards on a different time frame as specified in that school's
172 charter. Student performance shall be assessed comprehensively to determine whether a high
173 risk or alternative charter school has documented adequate student progress. Student
174 performance shall be based on sponsor-approved comprehensive measures as well as
175 standardized public school measures. Annual presentation of charter school report card data to
176 the department of elementary and secondary education, the state board, and the public shall
177 include comprehensive measures of student progress.

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

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

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

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

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

196 5. (1) Proposed or existing high-risk or alternative charter schools may include
197 alternative arrangements for students to obtain credit for satisfying graduation requirements in
198 the school's charter application and charter. Alternative arrangements may include, but not be
199 limited to, credit for off-campus instruction, embedded credit, work experience through an
200 internship arranged through the school, and independent studies. When the state board of
201 education approves the charter, any such alternative arrangements shall be approved at such time.

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

206 6. The charter of a charter school may be amended at the request of the governing body
207 of the charter school and on the approval of the sponsor. The sponsor and the governing board
208 and staff of the charter school shall jointly review the school's performance, management and
209 operations during the first year of operation and then every other year after the most recent
210 review or at any point where the operation or management of the charter school is changed or
211 transferred to another entity, either public or private. The governing board of a charter school
212 may amend the charter, if the sponsor approves such amendment, or the sponsor and the
213 governing board may reach an agreement in writing to reflect the charter school's decision to
214 become a local educational agency. In such case the sponsor shall give the department of
215 elementary and secondary education written notice no later than March first of any year, with the
216 agreement to become effective July first. The department may waive the March first notice date
217 in its discretion. The department shall identify and furnish a list of its regulations that pertain
218 to local educational agencies to such schools within thirty days of receiving such notice.

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

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

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

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

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

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

- 230 8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate,
231 evidence-based, and timely notice of contract violations or performance deficiencies and
232 mandate intervention based upon findings of the state board of education of the following:
- 233 a. The charter school provides a high school program which fails to maintain a
234 graduation rate of at least seventy percent in three of the last four school years unless the school
235 has dropout recovery as its mission;
- 236 b. The charter school's annual performance report results are below the district's annual
237 performance report results based on the performance standards that are applicable to the grade
238 level configuration of both the charter school and the district in which the charter school is
239 located in three of the last four school years; and
- 240 c. The charter school is identified as a persistently lowest achieving school by the
241 department of elementary and secondary education.
- 242 (b) A sponsor shall have a policy to revoke a charter during the charter term if there is:
- 243 a. Clear evidence of underperformance as demonstrated in the charter school's annual
244 performance report in three of the last four school years; or
- 245 b. A violation of the law or the public trust that imperils students or public funds.
- 246 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may
247 include placing the charter school on probationary status for no more than twelve months,
248 provided that no more than one designation of probationary status shall be allowed for the
249 duration of the charter contract, at any time if the charter school commits a serious breach of one
250 or more provisions of its charter or on any of the following grounds: failure to meet the
251 performance contract as set forth in its charter, failure to meet generally accepted standards of
252 fiscal management, failure to provide information necessary to confirm compliance with all
253 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days
254 following receipt of written notice requesting such information, or violation of law.
- 255 (2) The sponsor may place the charter school on probationary status to allow the
256 implementation of a remedial plan, which may require a change of methodology, a change in
257 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.
- 258 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
259 governing board of the charter school of the proposed action in writing. The notice shall state
260 the grounds for the proposed action. The school's governing board may request in writing a
261 hearing before the sponsor within two weeks of receiving the notice.
- 262 (4) The sponsor of a charter school shall establish procedures to conduct administrative
263 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
264 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an

265 appeal to the state board of education, which shall determine whether the charter shall be
266 revoked.

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

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

273 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
274 school sponsored by such sponsor is in material compliance and remains in material compliance
275 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every
276 charter school shall provide all information necessary to confirm ongoing compliance with all
277 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
278 sponsor.

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

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

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

287 a. A negative balance in its operating funds;

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

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

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

293 (3) (a) Beginning August first during the year in which a charter is considered for
294 renewal, a charter school sponsor shall demonstrate to the state board of education that the
295 charter school is in compliance with federal and state law as provided in sections 160.400 to
296 160.425 and section 167.349 and the school's performance contract including but not limited to
297 those requirements specific to academic performance.

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

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

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

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

308 11. A governing board or a school district employee who has control over personnel
309 actions shall not take unlawful reprisal against another employee at the school district because
310 the employee is directly or indirectly involved in an application to establish a charter school. A
311 governing board or a school district employee shall not take unlawful reprisal against an
312 educational program of the school or the school district because an application to establish a
313 charter school proposes the conversion of all or a portion of the educational program to a charter
314 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
315 governing board or a school district employee as a direct result of a lawful application to
316 establish a charter school and that is adverse to another employee or an educational program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160.415. 1. For the purposes of calculation and distribution of state school aid under
2 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of
3 the school district within which each pupil resides. Each charter school shall report the names,
4 addresses, and eligibility for free and reduced lunch, special education, or limited English
5 proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district
6 who are enrolled in the charter school to the school district in which those pupils reside. The
7 charter school shall report the average daily attendance data, free and reduced lunch count,

8 special education pupil count, and limited English proficiency pupil count to the state department
9 of elementary and secondary education. Each charter school shall promptly notify the state
10 department of elementary and secondary education and the pupil's school district when a student
11 discontinues enrollment at a charter school.

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

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

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

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

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

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

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

35 4. A charter school that has declared itself as a local educational agency shall receive
36 from the department of elementary and secondary education an annual amount equal to the
37 product of the charter school's weighted average daily attendance and the state adequacy target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter
41 school declares itself as a local education agency, the department of elementary and secondary
42 education shall, upon notice of the declaration, reduce the payment made to the school district

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

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

58 6. The charter school and a local school board may agree by contract for services to be
59 provided by the school district to the charter school. The charter school may contract with any
60 other entity for services. Such services may include but are not limited to food service, custodial
61 service, maintenance, management assistance, curriculum assistance, media services and libraries
62 and shall be subject to negotiation between the charter school and the local school board or other
63 entity. Documented actual costs of such services shall be paid for by the charter school.

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

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

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

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

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

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

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

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

88 9. A charter school shall be eligible for transportation state aid pursuant to section
89 163.161 and shall be free to contract with the local district, or any other entity, for the provision
90 of transportation to the students of the charter school.

91 10. (1) The proportionate share of state and federal resources generated by students with
92 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
93 by their school district where such enrollment is through a contract for services described in this
94 section. The proportionate share of money generated under other federal or state categorical aid
95 programs shall be directed to charter schools serving such students eligible for that aid.

96 (2) A charter school shall provide the special services provided pursuant to section
97 162.705 and may provide the special services pursuant to a contract with a school district or any
98 provider of such services.

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

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

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

111 14. The governing body of a charter school is authorized to accept grants, gifts or
112 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
113 donation may not be accepted by the governing body if it is subject to any condition contrary to

114 law applicable to the charter school or other public schools, or contrary to the terms of the
115 charter.

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

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

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

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

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

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

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

24 (1) Give assurances that adequate educational services to students of the charter school
25 shall continue uninterrupted for the remainder of the current school year and that the charter
26 school can provide the minimum number of school [days and] hours required by section
27 [160.041] **171.031**;

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

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

32 4. Upon receipt and following review of any budget and education plan, the sponsor may
33 make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section
34 167.349 shall exempt a charter school from submitting a budget and education plan to the

35 sponsor according to the provisions of this section following each such notification that a charter
36 school has been identified as experiencing financial stress, except that the sponsor may permit
37 a charter school's governing board to make amendments to or update a budget and education plan
38 previously submitted to the sponsor.

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

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

161.084. When classifying the public schools of the state under section 161.092 if
2 **there is no state board of education member who is a resident of the congressional district**
3 **in which such school district is located, the state board of education shall assign to any**
4 **school district an accreditation classification of unaccredited or change a district's**
5 **accreditation classification from accredited to provisionally accredited only after notifying**
6 **the governor of its intent to change the classification of the district and that the**
7 **classification change will occur at a board meeting held at least thirty days after the date**
8 **of notice to the governor.**

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

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

9 **2. Under this system, the state board of education shall classify a district as**
10 **accredited without provision only if the district has a three-year average annual**
11 **performance report consistent with accredited status.**

12 **3. The state board of education shall develop and implement a process to provide**
13 **assistance teams to borderline districts as determined by the department of elementary and**
14 **secondary education and to provisionally accredited districts upon assignment of such**
15 **classification by the state board of education. The composition and size of the team may**
16 **vary, based on academic, demographic, and financial circumstances of the district, but in**
17 **no case will the team have fewer than ten members, two of whom shall be active classroom**
18 **teachers in the district, two of whom shall be principals, and one of whom shall be a**

19 parent. The team shall provide both analysis of, at a minimum, the assessment data,
20 classroom practices, and communication processes within buildings, within the district,
21 and with the larger community, and prescriptions for improvement based on the district's
22 and community's needs. Separate teams may be used to provide analysis and
23 recommendations at the discretion of the state board. Beginning with school year 2014-15,
24 the team shall provide its recommendations no later than June 30, 2015, for provisional
25 and borderline districts. The state board shall prioritize the assignment of teams so that
26 the districts with the lower annual percentage report scores are addressed first. The
27 assistance team's suggestions for improvement shall be mandatory for provisionally
28 accredited districts, but shall not be mandatory for borderline districts. If a provisionally
29 accredited district disagrees with any suggestion of the assistance team, the district shall
30 propose a different method of accomplishing what the assistance team has suggested, and
31 the state board of education shall be the final arbiter of the matter.

32 4. The state board of education shall continue to monitor the performance of
33 schools that remain assigned to an unaccredited district. The proportion of schools that
34 remain accredited under section 161.238 shall be a factor in the board's considerations of
35 the unaccredited district's status and governance structure under section 162.081.

161.238. 1. As authorized under its duty to classify the schools of the state under
2 section 161.092, the state board of education shall adopt a system of classification that
3 accredits attendance centers within a district separately from the district as a whole using
4 the classification designations provided in section 161.086.

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

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

18 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
19 created under the authority delegated in this section shall become effective only if it

20 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
21 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
22 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
23 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
24 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
25 **of this section shall be invalid and void.**

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

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

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

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

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

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

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

24 (a) Appoint a special administrative board for the operation of all or part of the district.

25 **If a special administrative board is appointed for the operation of a part of a school**
26 **district, the state board of education shall determine an equitable apportionment of state**
27 **and federal aid for the part of the district, and the school district shall provide local**
28 **revenue in proportion to the weighted average daily attendance of the part.** The number
29 of members of the special administrative board shall not be less than five, the majority of whom
30 shall be residents of the district. The members of the special administrative board shall reflect

31 the population characteristics of the district and shall collectively possess strong experience in
32 school governance, management and finance, and leadership. **One member shall be a current**
33 **member of the elected school board to be appointed by the elected school board. The state**
34 **board of education may appoint additional members of the district's elected school board**
35 **to the special administrative board but members of the elected school board shall not**
36 **comprise more than forty-nine percent of the special administrative board's membership.**

37 Within fourteen days after the appointment by the state board of education, the special
38 administrative board shall organize by the election of a president, vice president, secretary and
39 a treasurer, with their duties and organization as enumerated in section 162.301. The special
40 administrative board shall appoint a superintendent of schools to serve as the chief executive
41 officer of the school district and to have all powers and duties of any other general
42 superintendent of schools in a seven-director school district. Any special administrative board
43 appointed under this section shall be responsible for the operation of the district until such time
44 that the district is classified by the state board of education as provisionally accredited for at least
45 two successive academic years, after which time the state board of education may provide for
46 a transition pursuant to section 162.083; or

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

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

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

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

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

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

61 (d) Establish one or more school districts within the territory of the lapsed district, with
62 a governance structure specified by the state board of education, with the option of permitting
63 a district to remain intact for the purposes of assessing, collecting, and distributing property
64 taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided
65 for operational purposes, which shall take effect sixty days after the adjournment of the regular
66 session of the general assembly next following the state board's decision unless a statute or

67 concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

68 4. If a district remains under continued governance by the school board under
69 subdivision (1) of subsection 3 of this section and either has been unaccredited for three
70 consecutive school years and failed to attain accredited status after the third school year or has
71 been unaccredited for two consecutive school years and the state board of education determines
72 its academic progress is not consistent with attaining accredited status after the third school year,
73 then the state board of education shall proceed under subdivision (2) of subsection 3 of this
74 section in the following school year.

75 5. A special administrative board **or any other form of governance** appointed under
76 this section shall retain the authority granted to a board of education for the operation of the
77 lapsed school district under the laws of the state in effect at the time of the lapse and may enter
78 into contracts with accredited school districts or other education service providers in order to
79 deliver high-quality educational programs to the residents of the district. If a student graduates
80 while attending a school building in the district that is operated under a contract with an
81 accredited school district as specified under this subsection, the student shall receive his or her
82 diploma from the accredited school district. The authority of the special administrative board
83 **or any other form of governance appointed under this section** shall expire at the end of the
84 third full school year following its appointment, unless extended by the state board of education.
85 If the lapsed district is reassigned, the [special administrative board] **governing board prior to**
86 **lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and
87 transfer such funds, assets, and liabilities of the lapsed district as determined by the state board
88 of education. Neither the special administrative board **or any other form of governance**
89 **appointed under this section** nor its members or employees shall be deemed to be the state or
90 a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its
91 agencies and employees shall be absolutely immune from liability for any and all acts or
92 omissions relating to or in any way involving the lapsed district, [the] **a special administrative**
93 **board or any other form of governance appointed under this section**, its members or
94 employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting
95 boards of education, their members and their employees shall be available to the special
96 administrative board, its members and employees.

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

101 7. If additional teachers are needed by a district as a result of increased enrollment due
102 to the annexation of territory of a lapsed or dissolved district, such district shall grant an

103 employment interview to any permanent teacher of the lapsed or dissolved district upon the
104 request of such permanent teacher.

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

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

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

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

162.432. Notwithstanding any provision of section 163.011 to the contrary, when
2 **a change in a school district's boundary lines occurs because of a boundary line change,**
3 **annexation, attachment, consolidation, reorganization, or dissolution under section**
4 **162.071, 162.081, 162.171 to 162.201, 162.221, 162.223, 162.431, 162.441, or 162.451, or in**
5 **the event that a school district assumes any territory from a district that ceases to exist for**
6 **any reason, the department of elementary and secondary education shall make a proper**
7 **adjustment to each affected district's local effort, so that each district's local effort figure**
8 **conforms to the new boundary lines of the district. The department shall compute the local**
9 **effort figure by applying the calendar year 2004 assessed valuation data to the new land**
10 **areas resulting from the boundary line change, annexation, attachment, consolidation,**
11 **reorganization, or dissolution and otherwise follow the procedures described in subdivision**
12 **(10) of section 163.011.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **(b) The sum of the number of students who enrolled in the district on or before the**
20 **last Wednesday in September and the number of students who enrolled in the district after**
21 **the last Wednesday of September.**

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

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

28 **8. The statewide assessment scores of all students shall be reported, but only scores**
29 **of those students who have been enrolled a full academic year in an attendance center or**
30 **district shall be included in the calculation for the annual performance report score. A full**
31 **academic year is enrollment from the last Wednesday in September through the assessment**
32 **administration, for one day more than half the eligible days between the September count**
33 **date and assessment administration without transferring out of the attendance center or**
34 **district and reenrolling.**

162.1310. 1. When the state board of education classifies any district as
2 **unaccredited, the district shall notify the parent or guardian of any student enrolled in the**
3 **unaccredited district of the loss of accreditation within seven business days. The district's**
4 **notice shall include an explanation of the option to transfer to another accredited school**
5 **in the district, to another accredited district or a charter school in the same or adjoining**
6 **county, or to a private nonsectarian school, and any services students may be entitled to**
7 **receive. The district's notice shall be written in a clear, concise, and easy to understand**
8 **manner. The district shall post the notice in a conspicuous and accessible place in each**
9 **district school. The district shall also send the notice to each political subdivision located**
10 **within the boundaries of the district.**

11 **2. The school board of any district that operates an underperforming school shall**
12 **adopt a policy regarding the availability of home visits by school personnel. Pursuant to**
13 **such policy, the school may offer to the parent or guardian of a student enrolled in any**

14 **such school the opportunity to have at least one annual home visit and shall offer an**
15 **opportunity for a meeting at the school or a mutually agreeable site.**

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

2 (1) Provides for a minimum of [one hundred seventy-four days and] one thousand
3 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 [160.041] **171.031 and, beginning with school year 2015-16, one thousand eighty hours of**
5 **actual pupil attendance** for each pupil or group of pupils, except that the board shall provide
6 a minimum of [one hundred seventy-four days and five hundred twenty-two] **one-half of the**
7 **required** hours of actual pupil attendance in a term for kindergarten pupils]. If any school is
8 dismissed because of inclement weather after school has been in session for three hours, that day
9 shall count as a school day including afternoon session kindergarten students. When the
10 aggregate hours lost in a term due to inclement weather decreases the total hours of the school
11 term below the required minimum number of hours by more than twelve hours for all-day
12 students or six hours for one-half-day kindergarten students, all such hours below the minimum
13 must be made up in one-half day or full day additions to the term, except as provided in section
14 171.033];

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

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

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

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

31 2. For the 2006-07 school year and thereafter, no school district shall receive more state
32 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
33 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
34 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional

35 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
36 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
37 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
38 to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the
39 minimum tax rate otherwise required under this subsection shall not be construed to be in
40 violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of
41 Article X of the state constitution, a school district may levy the operating levy for school
42 purposes required by this subsection less all adjustments required pursuant to Article X, Section
43 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
44 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
45 district is guaranteed to receive an amount not less than the amount the school district received
46 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
47 to any school district located in a county of the second classification which has a nuclear power
48 plant located in such district or to any school district located in a county of the third classification
49 which has an electric power generation unit with a rated generating capacity of more than one
50 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
51 except that such school districts may levy for current school purposes and capital projects an
52 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
53 pursuant to Article X, Section 22 of the Missouri Constitution.

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

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

64 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
65 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
66 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
67 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
68 amounts, if the district did not comply in the preceding school year with the requirements of
69 subsection 6 of section 163.031.

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

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

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

24 3. Any error made in the apportionment of state aid because of a difference between the
25 actual equalized assessed valuation for the current year and the estimated equalized assessed
26 valuation for the current year shall be corrected as provided in section 163.091, except that if the
27 amount paid to a district estimating current equalized assessed valuation exceeds the amount to
28 which the district was actually entitled, interest at the rate of six percent shall be charged on the

29 excess and shall be added to the amount to be deducted from the district's apportionment the next
30 succeeding year.

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

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

63 **6. Notwithstanding the provisions of subsection 1 of this section, any district in**
64 **which the local school board sponsors a charter school as provided in section 160.400 shall**

65 **only be permitted to use an estimate of the district's weighted average daily attendance for**
66 **the current year and shall not be permitted to use a weighted average daily attendance**
67 **count from any preceding year for purposes of determining the amount of state aid to**
68 **which the district is entitled.**

163.073. 1. When an education program, as approved under section 219.056, is provided
2 for pupils by the division of youth services in one of the facilities operated by the division for
3 children who have been assigned there by the courts, the division of youth services shall be
4 entitled to state aid for pupils being educated by the division of youth services in an amount to
5 be determined as follows: the total amount apportioned to the division of youth services shall
6 be an amount equal to the average per weighted average daily attendance amount apportioned
7 for the preceding school year under section 163.031, multiplied by the number of full-time
8 equivalent students served by facilities operated by the division of youth services. The number
9 of full-time equivalent students shall be determined by dividing by one [hundred seventy-four
10 days] **thousand eighty hours** the number of [student-days] **student-hours** of education service
11 provided by the division of youth services to elementary and secondary students who have been
12 assigned to the division by the courts and who have been determined as inappropriate for
13 attendance in a local public school. A student [day] **hour** shall mean one [day] **hour** of
14 education services provided for one student. In addition, other provisions of law
15 notwithstanding, the division of youth services shall be entitled to funds under section 163.087.
16 The number of full-time equivalent students as defined in this section shall be considered as
17 "September membership" and as "average daily attendance" for the apportioning of funds under
18 section 163.087.

19 2. The educational program approved under section 219.056 as provided for pupils by
20 the division of youth services shall qualify for funding for those services provided to
21 handicapped or severely handicapped children. The department of elementary and secondary
22 education shall cooperate with the division of youth services in arriving at an equitable funding
23 for the services provided to handicapped children in the facilities operated by the division of
24 youth services.

25 3. Each local school district or special school district constituting the domicile of a child
26 placed in programs or facilities operated by the division of youth services or residing in another
27 district pursuant to assignment by the division of youth services shall pay toward the per pupil
28 cost of educational services provided by the serving district or agency an amount equal to the
29 average sum produced per child by the local tax effort of that district. A special school district
30 shall pay the average sum produced per child by the local tax efforts of the component districts.
31 This amount paid by the local school district or the special school district shall be on the basis

32 of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil
33 local tax effort.

163.172. 1. In school year 1994-95 and thereafter until school year 2006-07, the
2 minimum teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006-07,
3 the minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the
4 minimum teacher's salary shall be twenty-three thousand dollars; in school year 2008-09, the
5 minimum teacher's salary shall be twenty-four thousand dollars; in school [year] **years 2009-10**
6 **[and thereafter], 2010-11, 2011-12, 2012-13, 2013-14, and 2014-15,** the minimum teacher's
7 salary shall be twenty-five thousand dollars; **in school year 2015-16, the minimum teacher's**
8 **salary shall be twenty-eight thousand dollars; in school year 2016-17, the minimum**
9 **teacher's salary shall be twenty-nine thousand dollars; and in school year 2017-18 and**
10 **thereafter, the minimum teacher's salary shall be thirty thousand dollars, subject to**
11 **appropriation.** Beginning in the school year 1996-97 until school year 2006-07, for any
12 full-time teacher with a master's degree and at least ten years' teaching experience in a public
13 school or combination of public schools, the minimum salary shall be twenty-four thousand
14 dollars. Beginning in the school year 2006-07, for any full-time teacher with a master's degree
15 in an academic teaching field and at least ten years' teaching experience in a public school or
16 combination of public schools, the minimum salary shall be thirty thousand dollars; in the
17 2007-08 school year such minimum salary shall be thirty-one thousand dollars; in the 2008-09
18 school year such minimum salary shall be thirty-two thousand dollars; [and] in [the] **school**
19 **years 2009-10 [school year] , 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, and**
20 **2016-17,** such minimum salary shall be thirty-three thousand dollars; **and in the 2017-18 school**
21 **year and thereafter, such minimum salary shall be thirty-five thousand dollars, subject to**
22 **appropriation.**

23 2. [Beginning with the budget requests for fiscal year 1991,] **There is hereby created**
24 **in the state treasury the "Teacher Minimum Salary Fund". The moneys appropriated to**
25 **the fund shall be distributed to each school district on the basis of the difference between**
26 **the minimum salary required under subsection 1 of this section and the salary reported by**
27 **the district on core data for each teacher who does not make the minimum salary. If the**
28 **appropriation is insufficient to meet the need, the department of elementary and secondary**
29 **education shall prorate the appropriated amount so that the shortfall is equally distributed**
30 **among all eligible teachers. The state treasurer shall be custodian of the fund. In**
31 **accordance with sections 30.170 and 30.180, the state treasurer may approve**
32 **disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the**
33 **fund shall be used solely for the administration of this section. Notwithstanding the**
34 **provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end**

35 **of the biennium shall not revert to the credit of the general revenue fund. The state**
 36 **treasurer shall invest moneys in the fund in the same manner as other funds are invested.**
 37 **Any interest and moneys earned on such investments shall be credited to the fund.**

38 **3.** The commissioner of education shall present to the appropriate committees of the
 39 general assembly information on the average Missouri teacher's salary, regional average salary
 40 data, and national average salary data.

41 [3.] **4.** All school salary information shall be public information.

42 [4.] **5.** As used in this section, the term "salary" shall be defined as the salary figure
 43 which appears on the teacher's contract and as determined by the local school district's basic
 44 salary schedule and does not include supplements for extra duties.

45 [5.] **6.** The minimum salary for any fully certificated teacher employed on a less than
 46 full-time basis by a school district, state school for the severely handicapped, the Missouri
 47 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts
 48 provided in subsection 1 of this section.

163.410. 1. Notwithstanding the provisions of section 163.021, in [fiscal years 2011,
 2 2012, and 2013, if] **any fiscal year in which** the appropriation for subsections 1 and 2 of section
 3 163.031 is less than the annualized calculation of the amount needed [for the phase-in required
 4 under subsection 4 of section 163.031] for that fiscal year or the appropriation for transportation
 5 as provided in subsection 3 of section 163.031 is funded at a level that provides less than
 6 seventy-five percent of allowable costs, school districts shall be excused from compliance with:

7 (1) Spending funds for professional development as required under subsection 1 of
 8 section 160.530; and

9 (2) The fund placement and expenditure requirements of subsection 6 of section
 10 163.031.

11 2. If the governor withholds funds for the school funding formula basic apportionment
 12 under section 163.031, in [fiscal years 2011, 2012, and 2013,] **any fiscal year following 2013,**
 13 school districts shall be excused from compliance with the statutes listed in subsection 1 of this
 14 section in the following fiscal year.

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

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

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

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

11 **3. The state treasurer shall be custodian of the fund. In accordance with sections
12 30.170 and 30.180, the state treasurer may approve disbursements in accordance with
13 distribution requirements and procedures developed by the department of elementary and
14 secondary education. The fund shall be a dedicated fund and, upon appropriation, money
15 in the fund shall be used solely for the administration of this section. A district that
16 receives money from the fund may use such money to cover the cost of online tutoring
17 services provided through a contract with a public library under section 170.215.**

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

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

167.687. Any underperforming district may perform any or all of the following
2 actions:

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

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

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

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

15 (5) Implement any other change that is suggested by the state board of education,
16 an expert or contractor approved under this section or an assistance team under section
17 161.086, in accordance with state law, that the school district board has reason to believe
18 will result in improved district performance for accreditation purposes.

167.730. 1. Beginning July 1, 2015, every public school in the metropolitan school
2 district or in any urban school district containing most or all of a home rule city with more
3 than four hundred thousand inhabitants and located in more than one county, including
4 charter schools, shall incorporate a response-to-intervention tiered approach to reading
5 instruction to focus resources on students who are determined by their school to need
6 additional or changed instruction to make progress as readers. At a minimum, the reading
7 levels of students in kindergarten through tenth grade shall be assessed at the beginning
8 and middle of the school year, and students who score below district benchmarks shall be
9 provided with intensive, systematic reading instruction.

10 2. Beginning January 1, 2015, and every January first thereafter, every public
11 school in the metropolitan school district or in any urban school district containing most
12 or all of a home rule city with more than four hundred thousand inhabitants and located
13 in more than one county, including charter schools, shall prepare a personalized learning
14 plan for any kindergarten or first grade student whose most recent school-wide reading
15 assessment result shows the student is working below grade level unless the student has
16 been determined by other means in the current school year to be working at grade level or
17 above. The provisions of this section shall not apply to students otherwise served under
18 an individualized education program, to students receiving services through a plan

19 prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element
20 addressing reading below grade level, or to students determined to have limited English
21 proficiency.

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

33 4. After implementing the personalized learning plan through the end of the
34 student's first grade year, the school shall refer any student who still performs below grade
35 level for assessment to determine if an individualized education program is necessary for
36 the student. A student who is assessed as not needing an individualized education program
37 but who is reading below grade level at the end of the first grade shall continue to be
38 required to have a personalized learning plan until the student is reading at grade level.

39 5. Notwithstanding any provision of law to the contrary, any student in a
40 metropolitan or in any urban school district containing most or all of a home rule city with
41 more than four hundred thousand inhabitants and located in more than one county who
42 is not reading at second-grade level by the end of second grade may be promoted to the
43 third grade only under one of the following circumstances:

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

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

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

53 6. The metropolitan school district, any urban school district containing most or
54 all of a home rule city with more than four hundred thousand inhabitants and located in

55 more than one county, and each charter school located in them shall provide in its annual
56 report card under section 160.522 the numbers and percentages by grade from first grade
57 to tenth grade in each school of any students at any grade level who have been promoted
58 who have been determined as reading below grade level, except that no reporting shall
59 permit the identification of an individual student.

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

167.825. For school year 2014-15, students who participated in the transfer
2 program that originated under section 167.131 as it existed on July 1, 2013, shall be
3 allowed to participate under the same terms that governed such transfers in school year
4 2013-14, except the reimbursement of their tuition shall be governed by section 167.826.
5 A student who has transferred under this section shall be permitted to complete high
6 school in the school district to which he or she has transferred as long as the student
7 continues to reside within the boundaries of the unaccredited district as those boundaries
8 existed when the student entered the transfer program; except that, a student who
9 withdraws from the receiving school in which he or she has enrolled shall be ineligible to
10 transfer again under this section.

167.826. 1. Any student who is enrolled in and attends for at least one semester a
2 public school that is classified as unaccredited by the state board of education under the
3 system of classification enacted under sections 161.238 in a district originally created under
4 section 162.211 to 162.459, 162.461 to 162.553, or 162.571 to 162.666 that has been classified
5 as unaccredited by the state board of education under section 161.092 may apply to the
6 appropriate education authority to transfer to another accredited school within his or her
7 district of residence, to an accredited school in an accredited district located in the same
8 or an adjoining county, to a charter school located in the same or an adjoining county, or
9 may enroll in a nonsectarian private school as provided in sections 167.826 to 167.828. A
10 student who is eligible to begin kindergarten or first grade at an unaccredited school in an
11 unaccredited district may apply to the appropriate education authority for a transfer if he
12 or she resides in the attendance area of an accredited school in an unaccredited district on
13 April first preceding the school year of first attendance. A student who does not apply by
14 April first shall be required to enroll and attend for one semester to become eligible. If the
15 student chooses to apply to attend a magnet school, an academically selective school, or a
16 school with a competitive entrance process that has admissions requirements criteria, the
17 student shall furnish proof that he or she meets such admissions requirements.

18 **2. No provisionally accredited district or provisionally accredited school shall be**
19 **eligible to receive transfer students; however, a transfer student who chooses to attend a**
20 **provisionally accredited school in the unaccredited district shall be allowed to transfer to**
21 **such school if there is an available slot. No unaccredited district or unaccredited school**
22 **shall be eligible to receive transfer students. No district or school with a three-year average**
23 **score of seventy-five percent or lower on its annual performance report under the Missouri**
24 **school improvement program shall be eligible to receive any transfer students, irrespective**
25 **of its state board of education accreditation classification, except that any student who was**
26 **granted a transfer to such a district or school prior to the effective date of this section may**
27 **remain enrolled in that district or school.**

28 **3. For a receiving district, no transfer shall require:**

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

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

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

34 **4. For a sending district, no change in attendance center grade configuration or**
35 **attendance zone adjustment shall be made that places the class size ratio of any affected**
36 **attendance center outside the standards for class size promulgated in the school**
37 **improvement program resource standards without the approval of the state board of**
38 **education or other applicable oversight authority.**

39 **5. The rate of tuition to be paid by the sending district shall be based upon the per-**
40 **pupil cost of maintaining the sending district's grade level grouping in the school year**
41 **immediately preceding the school year in which the transfer program is implemented in**
42 **the unaccredited district which includes the school attended as further specified in**
43 **subdivision (2) of this subsection. The amount of tuition shall be calculated as follows:**

44 **(1) The cost of maintaining a grade level grouping shall be determined by the board**
45 **of education of the sending district but in no case shall it exceed all amounts spent for**
46 **teachers' wages, incidental purposes, debt service, maintenance, and replacements. The**
47 **term "debt service", as used in this section, means expenditures for the retirement of**
48 **bonded indebtedness and expenditures for interest on bonded indebtedness. Per-pupil cost**
49 **of the grade level grouping shall be determined by dividing the cost of maintaining the**
50 **grade level grouping by the average daily pupil attendance;**

51 **(2) Based upon the calculation specified in subdivision (1) of this subsection, the**
52 **tuition to be paid by the sending district in school year 2013-14 and subsequent years shall**
53 **be as follows:**

54 **(a) Seventy percent of the amount determined under subdivision (1) of this**
55 **subsection to the receiving school district;**

56 **(b) Ten percent of the amount determined under subdivision (1) of this subsection**
57 **to the appropriate education authority for use by the education authority for**
58 **transportation for the first year of transfer and up to ten percent thereafter, as determined**
59 **by the education authority; and**

60 **(c) In subsequent years the total may be adjusted by any percentage increase in**
61 **total unrestricted operational revenue;**

62 **(3) If there is disagreement as to the amount of tuition to be paid, the facts shall be**
63 **submitted to the state board of education, and its decision in the matter shall be final;**

64 **(4) Regardless of whether transportation is identified as a related service within a**
65 **student's individualized education program, a special school district is not responsible for**
66 **providing transportation to a student transferring pursuant to this section. A district**
67 **subject to the transfer provisions within this section may contract with a special school**
68 **district pursuant to sections 162.705 and 162.710 for transportation of students with**
69 **disabilities.**

70 **6. Each district shall have the right to establish by objective means and adopt a**
71 **policy for class size and student-teacher ratios under subsection 3 of this section and shall**
72 **report its policy to the state board of education for its review. If a district adopts such a**
73 **policy and the policy meets the approval of the state board of education, the district shall**
74 **not be required to accept any transfer students under this section that would violate its**
75 **class size or student-teacher ratio. If the state board of education finds that the district's**
76 **policy is unduly restrictive to student transfers, the board may limit or revise the**
77 **implementation of the district's policy. The state board of education's decision shall be**
78 **final.**

79 **7. The statewide assessment score of any transfer student who scores more than two**
80 **grade levels below the grade to which he or she is assigned shall not count for the current**
81 **school year's status or progress score. The score of such student shall count for growth**
82 **scores in the year of transfer and shall count for the next year's score in the next school**
83 **year.**

84 **8. When a metropolitan district is declared unaccredited, it may contract with a**
85 **special school district whose board of education is authorized under section 162.857 located**
86 **in an adjoining county for the reimbursement of special education services pursuant to**
87 **sections 162.705 and 162.710 provided by the special school district for transfer students**
88 **who are residents of the unaccredited district.**

89 **9. Any student who has transferred to a different school under this section shall**
90 **maintain residency in the attendance zone of his or her unaccredited school in the**
91 **unaccredited district of residence to continue eligibility for enrollment in the receiving**
92 **school. If a student does not maintain such residency, the student shall no longer be**
93 **eligible to participate. If a transfer student withdraws from the school in which he or she**
94 **has enrolled, the student shall be ineligible to transfer again under this section. A transfer**
95 **student who continues to reside within the boundaries of the unaccredited district as those**
96 **boundaries existed when the student entered the transfer program shall be permitted to**
97 **finish high school in the receiving district or school, as applicable.**

167.827. 1. By August 1, 2014, and by January first annually, each accredited
2 **district any portion of which is located in the same county as or in an adjoining county to**
3 **an unaccredited district shall report to the education authority for the county in which the**
4 **unaccredited district is located its number of available enrollment slots by grade level.**
5 **Each unaccredited district shall report the number of available enrollment slots in the**
6 **accredited schools of the district. Each nonsectarian private school in the unaccredited**
7 **district that wishes to participate in the transfer program shall provide the information**
8 **required under this subsection by the same date.**

9 **2. Any education authority whose geographic area includes an unaccredited district**
10 **shall make information and assistance available to parents or guardians who intend to**
11 **transfer their child from an unaccredited school in an unaccredited district under section**
12 **167.826.**

13 **3. The parent or guardian of a student who intends to transfer his or her child**
14 **under the provisions of section 167.826 shall send initial notification to the education**
15 **authority for the county in which he or she resides by April first for enrollment in the**
16 **subsequent school year.**

17 **4. The education authority whose geographic area includes an unaccredited district**
18 **shall assign those students who seek to transfer. The authority shall give first priority to**
19 **students who live in the same household with any family member within the first or second**
20 **degree of consanguinity or affinity who already attends an accredited school and who**
21 **apply to attend the same accredited school. If insufficient enrollment slots are available**
22 **for a student to be able to transfer, that student shall receive first priority the following**
23 **school year. To the extent possible the authority shall fill slots in the unaccredited district**
24 **first. The authority shall only disrupt student and parent choice for transfer if either in-**
25 **district slots are not filled or a receiving district's available slots are requested by more**
26 **students than there are slots available. In such cases, the education authority shall ensure**
27 **in-district slots are filled first. After filling the in-district slots, the authority shall consider**

28 the following factors in assigning schools, with the student's or parent's choice as the most
29 important factor:

- 30 (1) The student's or parent's choice of the receiving school;
- 31 (2) The best interests of the student;
- 32 (3) Length of residence in the district;
- 33 (4) Student academic performance;
- 34 (5) Student free and reduced lunch status; and
- 35 (6) Distance and travel time to a receiving school.

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

167.828. 1. The school board of any unaccredited district that operates an
2 unaccredited school shall pay tuition for any student who has enrolled in and attended an
3 unaccredited school for one semester to attend a nonsectarian private school as defined in
4 section 167.848, located in his or her district of residence or in a school district in the same
5 or an adjoining county and is assigned to such school by the education authority.

6 2. The amount of tuition to be paid shall be paid from the district's operating levy
7 for school purposes and shall not exceed the lesser of:

- 8 (1) The nonsectarian private school's tuition rate; or
- 9 (2) Seventy percent of the amount provided by subdivision (1) of subsection 5 of
10 section 167.826.

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

- 13 (1) Is accredited by the North Central Association Commission On Accreditation
14 and School Improvement or demonstrates similar academic quality credentials to the
15 department of elementary and secondary education;
- 16 (2) Administers or allows for the administration of the statewide assessments in
17 English language arts and mathematics for transfer students;

18 **(3) Complies with all health and safety laws or codes that apply to nonpublic**
19 **schools;**

20 **(4) Holds a valid occupancy permit if required by its municipality;**

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

23 **(6) Files with the department of elementary and secondary education a statement**
24 **of intent to accept transfer students that includes the information listed in this subsection.**

25 **4. Tuition for a student who attends a nonsectarian private school shall be paid**
26 **only using funds received by the district from the operating levy for school purposes.**

27 **5. The student's district of residence may provide transportation for him or her to**
28 **attend a nonsectarian private school located within the district but shall not be required**
29 **to do so.**

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

7 **2. Whenever any metropolitan school district, any district located in any county**
8 **with a charter form of government and with more than nine hundred fifty thousand**
9 **inhabitants, or any district located in adjoining county that is assigned a classification**
10 **designation of unaccredited by the state board of education, the authority shall coordinate**
11 **student transfers from unaccredited schools in the unaccredited district to such schools as**
12 **are permitted under section 167.826.**

13 **3. The authority shall consist of five members to be appointed by the governor, by**
14 **and with the advice and consent of the senate, each of whom shall be a resident of the state.**
15 **Two members shall be residents of the metropolitan school district, two members shall be**
16 **residents of school districts located in a county with a charter form of government and with**
17 **more than nine hundred fifty thousand inhabitants, and one member shall be a resident**
18 **of a school district located in an adjoining county. The members shall reflect the**
19 **population characteristics of the districts they represent. Not more than three of the five**
20 **members of the authority shall be of the same political party. If the governor does not**
21 **appoint the initial membership of the authority by October 1, 2014, the lieutenant governor**
22 **shall make such appointment. The length of term for members shall be six years except**
23 **for the initial members, who shall be appointed in the following manner:**

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

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

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

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

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

29 **4. The term length of each initial appointee shall be designated by the governor at**
30 **the time of making the appointment. Upon the expiration of the initial terms of office,**
31 **successor members shall be appointed for terms of six years and shall serve until their**
32 **successors have been appointed and have qualified. Any member shall be eligible for**
33 **reappointment. The governor shall fill any vacancy for the remainder of any unexpired**
34 **term within thirty days of notification of the vacancy; if the governor does not make the**
35 **appointment in the required time, the lieutenant governor shall make such appointment;**
36 **if the lieutenant governor does not make the appointment in thirty days, the speaker of the**
37 **house of representatives shall make such appointment. Any member of the authority may**
38 **be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other**
39 **cause after notice and a public hearing unless the notice or hearing shall be expressly**
40 **waived in writing.**

41 **5. Members of the authority shall receive no compensation for services, but shall**
42 **be entitled to reimbursement for necessary expenses, including traveling and lodging**
43 **expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid**
44 **from funds of the authority.**

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

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

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

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

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

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

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

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

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

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

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

 167.833. 1. There is hereby created in the state treasury the "St. Louis Area
2 Education Authority Fund". The fund shall consist of any gifts, bequests or public or
3 private donations to such fund. Any moneys in the fund shall be used to fund the
4 operations of the education authority. The state treasurer shall be custodian of the fund.
5 The authority may utilize moneys in the fund to assist with transportation arrangements
6 for districts participating in the transfer of students, seeking the most cost-effective and
7 safe means of transportation in a region affected by transfers. In accordance with sections
8 30.170 and 30.180, the state treasurer may approve disbursements in accordance with
9 distribution requirements and procedures developed by the department of elementary and
10 secondary education. The fund shall be a dedicated fund and, upon appropriation, money
11 in the fund shall be used solely for the administration of sections 167.830 and 167.833.

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

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

 167.836. 1. There is hereby established the "Kansas City Area Education
2 Authority". The authority is hereby constituted a public instrumentality and body politic

3 and corporate, and the exercise by the authority of the powers conferred by this section
4 shall be deemed and held to be the performance of an essential public function. Unless
5 otherwise provided, the authority shall be subject to all general laws pertaining to the
6 operation of seven-director districts as defined in section 160.011.

7 2. Whenever any district located in any county with a charter form of government
8 and with more than six hundred thousand but fewer than seven hundred thousand
9 inhabitants or in an adjoining county is assigned a classification designation of
10 unaccredited by the state board of education, the authority shall coordinate student
11 transfers from unaccredited schools in the unaccredited district to such schools as are
12 permitted under section 167.826.

13 3. The authority shall consist of five members to be appointed by the governor, by
14 and with the advice and consent of the senate, each of whom shall be a resident of the state.
15 Two members shall be residents of an urban school district containing most or all of a
16 home rule city with more than four hundred thousand inhabitants and located in more
17 than one county, two members shall be residents of school districts located in a county with
18 a charter form of government and with more than nine hundred fifty thousand
19 inhabitants, and one member shall be a resident of a school district located in an adjoining
20 county. The members shall reflect the population characteristics of the districts they
21 represent. Not more than three of the five members of the authority shall be of the same
22 political party. If the governor does not appoint the initial membership of the authority
23 by October 1, 2014, the lieutenant governor shall make such appointment. The length of
24 term for members shall be six years except for the initial members, who shall be appointed
25 in the following manner:

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

31 4. The term length of each initial appointee shall be designated by the governor at
32 the time of making the appointment. Upon the expiration of the initial terms of office,
33 successor members shall be appointed for terms of six years and shall serve until their
34 successors have been appointed and have qualified. Any member shall be eligible for
35 reappointment. The governor shall fill any vacancy for the remainder of any unexpired
36 term within thirty days of notification of the vacancy; if the governor does not make the
37 appointment in the required time, the lieutenant governor shall make such appointment;
38 if the lieutenant governor does not make the appointment in thirty days, the speaker of the

39 **house of representatives shall make such appointment. Any member of the authority may**
40 **be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other**
41 **cause after notice and a public hearing unless the notice or hearing shall be expressly**
42 **waived in writing.**

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

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

62 **7. Meetings, records, and operations of the authority shall be subject to the**
63 **provisions of chapter 610.**

64 **8. The authority shall have the following powers, together with all powers**
65 **incidental thereto or necessary for the performance thereof to:**

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

67 **(2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**

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

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

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

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

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

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

 167.839. 1. There is hereby created in the state treasury the "Kansas City Area
2 Education Authority Fund". The fund shall consist of any gifts, bequests or public or
3 private donations to such fund. Any moneys in the fund shall be used to fund the
4 operations of the student transfer coordination authority. The state treasurer shall be
5 custodian of the fund. The authority may utilize moneys in the fund to assist with
6 transportation arrangements for districts participating in the transfer of students, seeking
7 the most cost-effective and safe means of transportation in a region affected by transfers.
8 In accordance with sections 30.170 and 30.180, the state treasurer may approve
9 disbursements in accordance with distribution requirements and procedures developed by
10 the department of elementary and secondary education. The fund shall be a dedicated
11 fund and, upon appropriation, money in the fund shall be used solely for the
12 administration of sections 167.836 and 167.839.

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

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

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

8 (1) Any city not within a county;

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

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

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

15 authority shall coordinate student transfers from unaccredited schools in the unaccredited
16 district to accredited districts that are located in the same or an adjoining county as the
17 unaccredited district.

18 **3. The authority shall consist of five members to be appointed by the governor, by**
19 **and with the advice and consent of the senate, each of whom shall be a resident of the state.**
20 **The members shall reflect the population characteristics of the districts they represent.**
21 **Not more than three of the five members of the authority shall be of the same political**
22 **party. The governor shall not appoint members to the authority until the state board of**
23 **education gives notice that a district in the authority's jurisdiction has been declared**
24 **unaccredited. If the governor does not appoint the initial membership of the authority**
25 **within thirty days after the notice, the lieutenant governor shall make such appointment.**
26 **If the lieutenant governor does not make the appointment within thirty days, the speaker**
27 **of the house of representatives shall make such appointment. The length of term for**
28 **members shall be six years except for the initial members, who shall be appointed in the**
29 **following manner:**

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

35 **4. The term length of each initial appointee shall be designated by the governor at**
36 **the time of making the appointment. Upon the expiration of the initial terms of office,**
37 **successor members shall be appointed for terms of six years and shall serve until their**
38 **successors have been appointed and have qualified. Any member shall be eligible for**
39 **reappointment. The governor shall fill any vacancy for the remainder of any unexpired**
40 **term within thirty days of notification of the vacancy; if the governor does not make the**
41 **appointment in the required time, the lieutenant governor shall make such appointment;**
42 **if the lieutenant governor does not make the appointment in thirty days, the speaker of the**
43 **house of representatives shall make such appointment. Any member of the authority may**
44 **be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other**
45 **cause after notice and a public hearing unless the notice or hearing shall be expressly**
46 **waived in writing.**

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

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

66 **7. Meetings, records, and operations of the authority shall be subject to the**
67 **provisions of chapter 610.**

68 **8. The authority shall have the following powers, together with all powers**
69 **incidental thereto or necessary for the performance thereof to:**

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

71 **(2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**

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

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

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

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

79 **(7) Coordinate student transfers from unaccredited schools in unaccredited**
80 **districts located in its jurisdiction, as provided by law; and**

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

167.845. 1. There is hereby created in the state treasury the "Statewide Education
2 **Authority Fund". The fund shall consist of any gifts, bequests, or public or private**
3 **donations to such fund. Any moneys in the fund shall be used to fund the operations of the**
4 **student transfer coordination authority. The state treasurer shall be custodian of the fund.**

5 **The authority may utilize moneys in the fund to assist with transportation arrangements**
6 **for districts participating in the transfer of students, seeking the most cost-effective and**
7 **safe means of transportation in a region affected by transfers. In accordance with sections**
8 **30.170 and 30.180, the state treasurer may approve disbursements in accordance with**
9 **distribution requirements and procedures developed by the department of elementary and**
10 **secondary education. The fund shall be a dedicated fund and, upon appropriation, money**
11 **in the fund shall be used solely for the administration of sections 167.842 and 167.845.**

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

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

167.848. For purposes of sections 161.084, 161.238, 162.1310, 167.642, 167.685, and
2 **167.687, and 167.825 to 167.848, the following terms shall mean:**

3 **(1) "Accredited district", a school district that is accredited by the state board of**
4 **education pursuant to the authority of the state board of education to classify schools as**
5 **established in sections 161.086 and 161.092;**

6 **(2) "Accredited school", an attendance center that is accredited by the state board**
7 **of education pursuant to the authority of the state board of education to classify schools**
8 **as established in sections 161.086, 161.092, and 161.238;**

9 **(3) "Borderline district", a school district that has a current annual performance**
10 **report score between seventy-five and seventy with the last two consecutive years showing**
11 **a decline in the score, with a district third-grade or eighth-grade statewide reading**
12 **assessment that shows that seventy-five percent or more of the students are at a level less**
13 **than proficient, and a transient student ratio in the top quartile of districts;**

14 **(4) "Education authority" or "authority", an education authority established**
15 **under sections 167.830 to 167.845;**

16 **(5) "Nonsectarian school", a school that is not part of the public school system of**
17 **the state of Missouri, that charges tuition for the rendering of elementary and secondary**
18 **educational services, and that does not have a religious affiliation;**

19 **(6) "Provisionally accredited district", a school district that is classified as**
20 **provisionally accredited by the state board of education pursuant to the authority of the**
21 **state board of education to classify schools as established in sections 161.086 and 161.092;**

22 **(7) "Provisionally accredited school", an attendance center that is classified as**
23 **provisionally accredited by the state board of education pursuant to the authority of the**

24 state board of education to classify schools as established in sections 161.086, 161.092, and
25 161.238;

26 (8) "Unaccredited district", a school district classified as unaccredited by the state
27 board of education pursuant to the authority of the state board of education to classify
28 schools as established in sections 161.086 and 161.092;

29 (9) "Unaccredited school", an attendance center that is classified as unaccredited
30 by the state board of education pursuant to the authority of the state board of education
31 to classify schools as established in sections 161.086, 161.092, and 161.238;

32 (10) "Underperforming", a school district or an attendance center that has been
33 classified as unaccredited or provisionally accredited or has a three-year average annual
34 performance report score consistent with a classification of provisionally accredited or
35 unaccredited.

168.205. Notwithstanding any provision of law to the contrary, two or more school
2 districts may share a superintendent who possesses a valid Missouri superintendent's
3 license. If any school districts choose to share a superintendent, they shall not be required
4 to receive approval from the department of elementary and secondary education but may
5 notify the department.

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

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

8 (1) Assistance with homework;

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

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

12 (4) Test preparation tools.

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

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

18 (1) Protect individual student privacy;

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

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

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

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

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

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

8 **2. The state treasurer shall be custodian of the fund. In accordance with sections**
9 **30.170 and 30.180, the state treasurer may approve disbursements in accordance with**
10 **distribution requirements and procedures developed by the department of elementary and**
11 **secondary education. The fund shall be a dedicated fund and, upon appropriation, money**
12 **in the fund shall be used solely for the administration of this section.**

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

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

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 **specifying the opening date, **days of planned attendance**, and providing a minimum term of at**
3 **least one [hundred seventy-four days for schools with a five-day school week or one hundred**
4 **forty-two days for schools with a four-day school week, and] one thousand forty-four hours of**
5 **actual pupil attendance and beginning with school year 2015-16, one thousand eighty hours**
6 **of actual pupil attendance. In addition, such calendar shall include [six make-up days] **thirty-****
7 **six make-up hours** for possible loss of attendance due to inclement weather as defined in
8 subsection 1 of section 171.033.

9 2. Each local school district may set its opening date each year, which date shall be no
10 earlier than ten calendar days prior to the first Monday in September. No public school district
11 shall select an earlier start date unless the district follows the procedure set forth in subsection
12 3 of this section.

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

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

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

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

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

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

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

40 8. **The school board of any school district in this state that has been declared**
41 **unaccredited or provisionally accredited may increase the length of the school day upon**
42 **adoption of a resolution by a majority vote to authorize such action. Such a school district**
43 **may also increase the annual hours of instruction above the required number of hours in**

44 **subsection 1 of this section by the adoption of a resolution by a majority vote to authorize**
45 **such action.**

46 **9. (1) There is hereby created in the state treasury the "Extended Learning Time**
47 **Fund". The fund shall consist of any moneys that may be appropriated by the general**
48 **assembly from general revenue to such fund, any moneys paid into the state treasury and**
49 **required by law to be credited to such fund and any gifts, bequests or public or private**
50 **donations to such fund.**

51 **(2) The state treasurer shall be custodian of the fund. In accordance with sections**
52 **30.170 and 30.180, the state treasurer may approve disbursements in accordance with**
53 **distribution requirements and procedures developed by the department of elementary and**
54 **secondary education. The fund shall be a dedicated fund and, upon appropriation, money**
55 **in the fund shall be used solely for the administration of subsection 8 of this section.**

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

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

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

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

10 3. [In the 2008-09 school year a school district may be exempt from the requirement to
11 make up days of school lost or cancelled due to inclement weather in the school district when
12 the school district has made up the six days required under subsection 2 of this section and half
13 the number of additional lost or cancelled days up to eight days, resulting in no more than ten
14 total make-up days required by this section.

15 4.] In the 2009-10 school year and subsequent years, a school district may be exempt
16 from the requirement to make up [days of] school lost or cancelled due to inclement weather in
17 the school district when the school district has made up the [six days] **thirty-six hours** required
18 under subsection 2 of this section and half the number of additional lost or cancelled [days]

19 **hours** up to [eight days] **forty-eight hours**, resulting in no more than [ten] **sixty** total make-up
20 [days] **hours** required by this section.

21 [5.] **4.** The commissioner of education may provide, for any school district [in which
22 schools are in session for twelve months of each calendar year] that cannot meet the minimum
23 school calendar requirement of at least one [hundred seventy-four days for schools with a
24 five-day school week or one hundred forty-two days for schools with a four-day school week and
25 one thousand forty-four] **thousand eighty** hours of actual pupil attendance, upon request, a
26 waiver to be excused from such requirement. This waiver shall be requested from the
27 commissioner of education and may be granted if the school was closed due to circumstances
28 beyond school district control, including inclement weather[, flooding] or fire.

177.011. 1. The title of all schoolhouse sites and other school property is vested in the
2 district in which the property is located, or if the directors of both school districts involved agree,
3 a school district may own property outside of the boundaries of the district and operate upon such
4 property for school purposes; provided that, such property may only be used for school purposes
5 for students residing in the school district owning such property or students who are enrolled in
6 such school district as part of a court-ordered desegregation plan. All property leased or rented
7 for school purposes shall be wholly under the control of the school board during such time.
8 **With the exception of lease agreements entered into under the provisions of section**
9 **177.088**, no board shall lease or rent any building for school purposes while the district
10 schoolhouse is unoccupied, and no schoolhouse or school site shall be abandoned or sold until
11 another site and house are provided for the school district.

12 2. Notwithstanding the provisions of section 178.770, the provisions of this section shall
13 not apply to community college districts. Nothing in this subsection shall be construed to impair
14 the duty and authority of the coordinating board for higher education to approve academic
15 programs under section 173.005.

177.088. 1. As used in this section, the following terms shall mean:

2 (1) "Board", the board of education, board of trustees, board of regents, or board of
3 governors of an educational institution;

4 (2) "Educational institution", any school district, including all community college
5 districts, and any state college or university organized under chapter 174.

6 2. The board of any educational institution may enter into agreements as authorized in
7 this section [with a not-for-profit corporation formed under the general not-for-profit corporation
8 law of Missouri, chapter 355,] in order to provide for the acquisition, construction, improvement,
9 extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings
10 and equipment for the use of the educational institution for educational purposes.

11 3. The board may on such terms as it shall approve:

12 (1) Lease [from the corporation] sites, buildings, facilities, furnishings and equipment
13 [which the corporation has] acquired or constructed; or

14 (2) Notwithstanding the provisions of this chapter or any other provision of law to the
15 contrary, sell or lease at fair market value, which may be determined by appraisal, [to the
16 corporation] any existing sites [owned by the educational institution], together with any existing
17 buildings and facilities thereon, in order [for the corporation] to acquire, construct, improve,
18 extend, repair, remodel, renovate, furnish and equip buildings and facilities thereon, and [then]
19 lease back or purchase such sites, buildings and facilities [from the corporation]; provided that
20 upon selling or leasing the sites, buildings or facilities, [the corporation agrees to enter into a
21 lease for] **any lease back to the educational institution is** not more than one year [but] **in**
22 **length, and** with not more than twenty-five successive options by the educational institution to
23 renew the lease under the same conditions; and provided further that [the corporation agrees]
24 **there is an agreement** to convey or sell the sites, buildings or facilities, including any
25 improvements, extensions, renovations, furnishings or equipment, back to the educational
26 institution with clear title at the end of the period of successive one-year options or at any time
27 bonds, notes or other obligations issued [by the corporation] to pay for the improvements,
28 extensions, renovations, furnishings or equipment have been paid and discharged.

29 4. Any consideration, promissory note or deed of trust which an educational institution
30 receives for selling or leasing property [to a not-for-profit corporation] pursuant to this section
31 shall be placed in a separate fund or in escrow, and neither the principal or any interest thereon
32 shall be commingled with any other funds of the educational institutions. At such time as the
33 title or deed for property acquired, constructed, improved, extended, repaired, remodeled or
34 renovated under this section is conveyed to the educational institution, the consideration shall
35 be returned [to the corporation].

36 5. The board may make rental payments [to the corporation] under such leases out of its
37 general funds or out of any other available funds, provided that in no event shall the educational
38 institution become indebted in an amount exceeding in any year the income and revenue of the
39 educational institution for such year plus any unencumbered balances from previous years.

40 6. Any bonds, notes and other obligations issued [by a corporation] to pay for the
41 acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites,
42 buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed
43 of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental
44 thereof to the educational institution. Such bonds, notes and other obligations issued [by a
45 corporation] shall not be a debt of the educational institution and the educational institution shall
46 not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out
47 of any funds or properties other than those acquired for the purposes of this section, and such

48 bonds, notes and obligations shall not constitute an indebtedness of the educational institution
49 within the meaning of any constitutional or statutory debt limitation or restriction.

50 7. The interest on such bonds, notes and other obligations [of the corporation] and the
51 income therefrom shall be exempt from taxation by the state and its political subdivisions, except
52 for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment
53 owned [by a corporation] in connection with any project pursuant to this section shall be exempt
54 from taxation.

55 8. The board may make all other contracts or agreements [with the corporation]
56 necessary or convenient in connection with any project pursuant to this section. [The corporation
57 shall comply with sections 290.210 to 290.340.]

58 9. Notice that the board is considering a project pursuant to this section shall be given
59 by publication in a newspaper published within the county in which all or a part of the
60 educational institution is located which has general circulation within the area of the educational
61 institution, once a week for two consecutive weeks, the last publication to be at least seven days
62 prior to the date of the meeting of the board at which such project will be considered and acted
63 upon.

64 10. [Provisions of other law to the contrary notwithstanding, the board may refinance any
65 lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of
66 section 165.011 for the purpose of payment on any lease with the corporation under this section
67 for sites, buildings, facilities, furnishings or equipment which the corporation has acquired or
68 constructed, but such refinance shall not extend the date of maturity of any obligation, and the
69 refinancing obligation shall not exceed the amount necessary to pay or provide for the payment
70 of the principal of the outstanding obligations to be refinanced, together with the interest accrued
71 thereon to the date of maturity or redemption of such obligations and any premium which may
72 be due under the terms of such obligations and any amounts necessary for the payments of costs
73 and expenses related to issuing such refunding obligations and to fund a capital projects reserve
74 fund for the obligations.

75 11.] Provisions of other law to the contrary notwithstanding, payments made from any
76 source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the
77 transfer of the title of real property to the school district, other than those payments made from
78 the capital projects fund, shall be deducted as an adjustment to the funds payable to the district
79 pursuant to section 163.031 beginning in the year following the transfer of title to the district,
80 as determined by the department of elementary and secondary education. No district with
81 modular buildings leased in fiscal year 2004, with the lease payments made from the incidental
82 fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any

83 adjustment to the funds payable to the district under section 163.031 as a result of the transfer
84 of title.

85 [12.] **11.** Notwithstanding provisions of this section to the contrary, the board of
86 education of any school district may enter into agreements with the county in which the school
87 district is located, or with a city, town, or village wholly or partially located within the
88 boundaries of the school district, in order to provide for the acquisition, construction,
89 improvement, extension, repair, remodeling, renovation, and financing of sites, buildings,
90 facilities, furnishings, and equipment for the use of the school district for educational purposes.
91 Such an agreement may provide for the present or future acquisition of an ownership interest in
92 such facilities by the school district, by lease, lease-purchase agreement, option to purchase
93 agreement, or similar provisions, and may provide for a joint venture between the school district
94 and other entity or entities that are parties to such an agreement providing for the sharing of the
95 costs of acquisition, construction, repair, maintenance, and operation of such facilities. The
96 school district may wholly own such facilities, or may acquire a partial ownership interest along
97 with the county, city, town, or village with which the agreement was executed.

**Section 1. 1. The "Missouri Virtual Education Interim Committee" is hereby
2 created to study the impact that virtual learning will have on K-12 public schools in
3 Missouri including but not limited to online learning, blended learning and supplemental
4 online programs and the expansion of existing virtual instruction programs or the
5 development of targeted virtual education programs to serve Missouri students.**

**6 2. The Missouri Virtual Education Interim Committee shall consist of the following
7 members:**

**8 (1) Two members of the Senate, which shall include one member of each party
9 appointed by the President Pro Tempore of the Senate;**

**10 (2) Two members of the House of Representatives, which shall include one member
11 of each party appointed by the Speaker of the House of Representatives;**

**12 (3) One member from an education organization consisting exclusively of elected
13 officials;**

**14 (4) One member who represents a university located in Missouri that provides K-12
15 virtual programs;**

**16 (5) One member from the business community representing businesses on virtual
17 education; and**

18 (6) One member that is a provider of online public education.

**19 3. All of the members, except for the members from the general assembly, shall be
20 appointed by the governor no later than September 30, 2014. The staff of the department
21 of elementary and secondary education shall provide assistance to the committee.**

22 **4. No later than January 1, 2015, the committee shall submit a report to the**
23 **governor, the speaker of the house, the president pro tem of the senate, and the**
24 **appropriate legislative committees of the general assembly regarding the results of the**
25 **study and any legislative recommendations.**

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

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

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

7 Section C. The repeal and reenactment of sections 163.073 and 171.033 and the repeal
8 of section 171.029 of this act shall become effective on July 1, 2015.

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