

HB 42 -- SCHOOL ACCREDITATION AND TRANSFERS

SPONSOR: Wood

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Emerging Issues in Education by a vote of 8 to 4. HCS Voted "Do Pass" by the Select Committee on Education by a vote of 8 to 2.

This bill modifies provisions relating to elementary and secondary education.

DEFINITIONS

The definition of graduation rate is revised to reflect current Missouri school improvement program practices (Section 160.011, RSMo).

Other definitions governing the student transfers portion of the bill are provided (Section 167.848).

SCHOOL DISTRICT ACCREDITATION

When the State Board of Education assigns classification designations to school districts, it must use one of the following designations: unaccredited, provisionally accredited, accredited, and accredited with distinction.

The State Board of Education must develop and implement a process to provide assistance teams to borderline districts, as determined by the Department of Elementary and Secondary Education, and to underperforming districts upon assignment of the classification or determination by the Department. Teams must have at least 10 members, including two active classroom teachers in the district, two principals, and one parent of a student in the district. The department staff member assigned to the region may be included in the team activities but must not be formally assigned to the team. Teams must provide an analysis of the assessment data, classroom practices, and the communication processes within buildings, in the district, and the community, and also provide prescriptions for improvement based on the district's and community's needs. The team must provide recommendations by June 30, 2016. Assignment of teams must be prioritized so that districts with lower APR scores are addressed first. Suggestions are mandatory for underperforming districts but not for borderline districts. If an underperforming district disagrees with any suggestion of the assistance team, the district must propose a different method of accomplishing what the team has suggested and the State Board of Education will be the final arbiter (Section 161.087).

ATTENDANCE CENTER ACCREDITATION

The State Board of Education must adopt a system of classification that accredits individual attendance centers within a district separately from the district as a whole. Attendance centers must be assigned one of the following classification designations: unaccredited, provisionally accredited, accredited, or accredited with distinction.

The State Board of Education may consider the classification designation of an attendance center in its accreditation classification system to exempt attendance centers with classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools. Public separate special education schools within a special school district are exempted from these accreditation requirements. However, a special school district must report all scores on its annual performance report to the Department of Elementary and Secondary Education for all of its schools. A juvenile detention center within a special school district is exempt from these accreditation standards.

These provisions waive the statutory two year delayed effective date for school accreditation rules for this system (Section 161.238).

STATE BOARD OF EDUCATION INTERVENTION POWERS

The bill allows the State Board of Education to lapse the corporate organization of all or part of an unaccredited school district. If the State Board appoints a special administrative board for the operation of a part of an unaccredited school district, the State Board of Education must determine an equitable apportionment of state and federal aid for the part of the district. In addition, the school district must provide local revenue in proportion to the weighted average daily attendance of the part governed by the special administrative board.

The State Board of Education may appoint members of the elected board to a special administrative board but members of the elected board must not comprise more than 49% of the special administrative board's composition.

Nothing in this provision of law must be construed to permit either the State Board of Education or a special administrative board to raise, in any way not specifically allowed by law, the tax levy of the district or any part of the district without a vote of the people.

The bill provides that when the State Board of Education determines an alternative governing structure for an unaccredited district, that alternative form of governance will be subject to the following provisions of law: it will retain the authority granted to a board of education; it will expire at the end of the third year of its appointment unless reauthorized; it will not be deemed to be the state or a state agency; and it will not be considered a successor entity for purposes of employment contracts, unemployment compensation or any other purpose.

If the State Board of Education reasonably believes that a school district is unlikely to provide for the minimum school term required by Section 163.021 because of financial difficulty, the State Board may, prior to the start of the school term, allow continued governance by the existing district school board under terms and conditions established by the state board of education. As an alternative, the State Board may lapse the corporate organization of the district and implement one of the options available to the State Board to intervene in an unaccredited district. However, this provision will not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students (Section 162.081).

VIRTUAL EDUCATION

Currently, when a resident student completes a virtual course offered by his or her school district, the student's attendance upon course completion is calculated as 94% of the hours of attendance for the class delivered in a non-virtual program. These provisions add that when a student is a candidate for A+ tuition reimbursements, the school must attribute no less than 95% of attendance to the student's completion of the virtual course.

The bill requires unaccredited school districts to notify students, parents, and guardians of the school district funded virtual school option. The decision to enroll in virtual coursework is left to the discretion of the students and parents and the availability of the virtual program in an unaccredited district must not be used to prevent a student from transferring to an adjoining district (Section 162.1250).

Currently, a student may enroll in a virtual school option if he or she resides in a lapsed public school district or a district that has scored either unaccredited, provisionally unaccredited, or a combination thereof on two consecutive annual performance reports. The bill removes the requirement of two annual performance reports and adds virtual schools that meet Section 162.1250 to the options

(Section 167.121).

TRANSIENT STUDENTS

The bill defines "transient student" as any student who transfers from one school building to any other school building two or more times in one school year.

In a transient student's first year of attendance in a district, the student's score on the statewide assessments will not be included when calculating the status or progress scores on the district's annual performance report scores. The scores will be counted for growth scores from the previous year's assessment for the purpose of the district's annual performance report score and to serve as the baseline for growth in the next year's assessment. In the second year of attendance, a transient student's score on the statewide assessments will be weighted at 50%, with growth counting for 50%. In the third year of attendance and any subsequent year of attendance, a transient student's status, progress and growth score will be weighted at 100% when calculating the district's performance for purposes of the district's annual performance report score (Section 162.1305).

PARENT NOTIFICATION OF UNACCREDITED STATUS

When a district or attendance center becomes unaccredited, the district must promptly notify the parent or guardian of students enrolled in the district of the loss of accreditation within seven business days. The notice must also include an explanation of the option for a student in an unaccredited school in an unaccredited district to transfer to another accredited school in the district, to another accredited district in the same or an adjoining county, or to a private nonsectarian school in the district of residence, if applicable, and any services for which the student may be eligible. This notice must be posted in district attendance centers and must be sent to each political subdivision located in the boundaries of the school district (Section 162.1310).

HOME VISITS

The school board of any district that operates an underperforming school must adopt a policy regarding the availability of home visits by school personnel. The school board's policy may offer to the parent or guardian of a student enrolled in any such school the opportunity to have at least one annual home visit and must offer an opportunity for a meeting at the school or a mutually agreeable site (Section 162.1312).

CHARTER SCHOOLS

When a local school board sponsors a charter school, it may only submit an estimate of the district's weighted average daily attendance for the current year. The school board will be prohibited from using a weighted average daily attendance count from any preceding year for purposes of determining state aid (Section 163.036).

STUDENT TRANSFER CALCULATION OPTION

Currently, the school board of a school district that does not maintain an accredited school is required to pay the tuition and transportation of resident pupils who attend an accredited school in another district of the same or an adjoining county. This provision of law currently applies to both unaccredited school districts and K-8 school districts that do not offer high school grades. The bill repeals the provisions applicable to unaccredited school districts so that the statute only applies to K-8 school districts (Section 167.131).

A school district or approved charter school, as defined by these provisions, that receives transfer students may negotiate with a sending district to accept a reduced tuition rate. If a receiving district or approved charter school chooses to accept the calculation in these provisions, the school district or approved charter school must receive students through the transfer authority based solely on parent request and available seats. The tuition calculation option is as follows:

(1) Multiply the full-time equivalent membership, as defined in Section 163.011, of the transfer students to any receiving district by the amount of the state adequacy target used by the Department of Elementary and Secondary Education in calculating the current year formula apportionments under Section 163.031;

(2) Multiply the amount derived in subdivision (1) of this subsection by the dollar value modifier of the receiving district used in calculating the current year formula apportionment;

(3) Multiply the amount derived in subdivision (2) of this subsection by the percentage formula adjustment, if any, used by the department in calculating the current year formula apportionment; and

(4) Add to the amount derived in subdivision (3) of this subsection the payment amount based on full-time equivalent membership used in the prior year for distribution of the funds from the school district trust fund under Section 163.087 multiplied by the full-time equivalent membership of the transfer

students attending the receiving district.

If there is disagreement as to the amount of tuition to be paid, the facts must be submitted to the Missouri Board of Education, and its decision in the matter is final (Section 167.132).

TRANSPORTATION FOR TRANSFER STUDENTS

Currently, the school board of an unaccredited district must designate accredited districts to which it will provide transportation for transfer students. These provisions require the Department of Elementary and Secondary Education to identify at least one accredited district to which an unaccredited district must provide transportation. If the designated district reaches full capacity, the department must designate at least one additional district.

READING, PERSONALIZED LEARNING PLANS, STUDENT RETENTION

The bill requires, beginning July 1, 2016, all public schools in the St. Louis City School District and Kansas City School District, including charter schools, to use a response-to-intervention tiered approach to reading instruction for students determined by their school to be struggling readers. At a minimum, the reading levels of students in kindergarten through 10th grade must be assessed at the beginning and middle of the school year. Students who score below district benchmarks must be provided with intensive, systemic reading instruction.

Beginning on January 1, 2016, and each January thereafter, each public school in the St. Louis City School District and Kansas City School District, including charter schools, must prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is below grade level. Certain exceptions exist from this requirement for students with an individual education plan (IEP) or a Section 504 Plan. For any student with a personalized learning plan, the student's main teacher must consult with the student's parent or guardian about the plan and must have consent to implement the plan. If a student is still performing below grade level through the end of the first grade year, the school must refer him or her for assessment to determine if an IEP is necessary. If an IEP is not necessary, the personalized learning plan must remain in place until the student is at grade level.

Any student who is not reading at the second grade level in the St. Louis City School District and the Kansas City School District by the end of second grade may be promoted to third grade only if:

the school provides additional reading instruction during the summer and demonstrates the student is ready for third grade at the end of summer school; if the school provides a "looping" classroom in which the student remains with the same teacher for multiple years and the student is not reading at the third grade level by the end of third grade, the student must be retained; or the student's parents or guardians may sign a notice that they prefer to have the student promoted except that the school will have final determination to retain.

The St. Louis City School District, the Kansas City School District, and each charter school located in them must provide in the annual school accountability report card the numbers and percentages by grade of any students at grade level who have been promoted but who have been determined as reading below grade level. School districts and charter schools subject to this requirement may provide for a student promotion and retention program and a reading instruction program that are equivalent to those which are described in this section with the oversight and approval of the Department of Elementary and Secondary Education (Section 167.730).

STUDENT TRANSFERS

Any student enrolled in and attending an unaccredited school in an unaccredited district for at least one semester may transfer to another accredited school in his or her district of residence that offers the student's grade level of enrollment. However, student transfers from an unaccredited school to an accredited school in the student's district of residence cannot result in a class size and assigned enrollment in the receiving school that exceeds the standard level for class size and assigned enrollment under the Missouri School Improvement Program resource standards. The school board of each unaccredited district must determine the capacity at each of the district's accredited schools. The district's school board is responsible for coordinating transfers from unaccredited schools to accredited schools within the district. The school board must report to the appropriate education authority the number of available slots in accredited schools, the number of students who request to transfer within the district, and the number of transfer requests that are granted. Enrollment in a virtual school provided by an unaccredited school district must not affect the number of available slots.

A student who is enrolled in and attends for at least one semester an unaccredited school in an unaccredited district who is unable to transfer to an accredited school in the district of residence may, by March 1, apply to the appropriate education authority to transfer to an accredited school in an accredited district in the same or an adjoining county.

A student who is eligible to begin kindergarten or first grade at an unaccredited school in an unaccredited district may apply to the appropriate education authority for a transfer if he or she resides in the attendance area of an accredited school in an unaccredited district on March 1 preceding the school year of first attendance. A student who does not apply by March 1 is required to enroll and attend for one semester to become eligible. Any transfer student who does not maintain residence in the attendance zone of his or her unaccredited school in the unaccredited district will lose transfer eligibility. In addition, a student who withdraws from the transfer will also lose transfer eligibility.

Unaccredited and provisionally accredited districts and schools are not eligible to receive transfer students. However, a student who chooses to attend a provisionally accredited school in the unaccredited district may do so if there is an available slot. In addition, a district or school with a three-year average score of 75% or lower on its annual performance report is not eligible to receive transfer students, except for any student who was granted a transfer prior to the effective date of this bill.

Districts that receive student transfers are not required to do any of the following, unless they choose to do so: exceed the class size and assignment enrollment standards of a district-approved policy on class size; hire additional classroom teachers; or construct additional classrooms.

Each receiving district may establish a policy for desirable class size and student teacher ratios by January 1 of each year. If a student is denied admission based on lack of space an appeal may be made to the State Board of Education.

Each receiving district must adopt a policy establishing a tuition rate by February 1 annually.

If an unaccredited district becomes provisionally accredited or accredited, any resident student who transferred to an accredited district will be permitted to continue his or her educational program through the completion of middle school, junior high, or high school, as described in these provisions.

Any student participating in the school transfer program prior to January 1, 2015 must have the option of transferring to a virtual school, approved charter school, or another public school in the student's district of residence.

When costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount, the unaccredited district is responsible for paying the

excess costs to the receiving district. When the receiving district is a component district of a special school district, the unaccredited district must contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation. The special school district may contract with an unaccredited district for the provision of transportation. A special school district must continue to provide special education and related services, with the exception of transportation, to a student with a disability transferring from an unaccredited district within the same or a different component district.

If the St. Louis City School District is unaccredited, it is responsible for the provision of special education and related services, including transportation to students with disabilities. A special school district may contract with the St. Louis City School District, as described in the act.

Regardless of whether transportation is identified as a related service, a receiving district that is not part of a special school district is not responsible for providing transportation. An unaccredited district may contract with a receiving district that is not part of a special school district for transportation. When districts other than St. Louis City are unaccredited, they may contract with a receiving district that is not part of a special school district for the reimbursement of special education services (Section 167.826).

By August 1, 2015, and by January 1 annually, each accredited district in the same or an adjoining county as an unaccredited district must report to the appropriate regional education authority the number of its available enrollment slots by grade level. Each unaccredited district must report the number of available enrollment slots in the district's accredited schools. Each charter school in an unaccredited district that wishes to participate in the transfer program must provide this information.

Each education authority with an unaccredited district in its geographic area must make information and assistance available to parents who intend to transfer their child to an accredited district or approved charter school. Parents who intend to transfer their child must send initial notification to the appropriate education authority by March 1. The education authority will assign transfer students, as space allows. The education authority will give first priority to students who live in the same household with family members within the first or second degree of consanguinity or affinity who have already transferred to an accredited school and apply to transfer to the same accredited school. If insufficient enrollment slots are

available for a student to transfer, that student will receive first priority the following school year. The authority is only able to disrupt student and parent choice for transfers if a receiving district's available slots are requested by more students than there are slots available. The authority must consider the following factors in assigning schools: the student's or parent's choice of the receiving school is the most important; the best interests of the student; and distance and travel time. The authority must not consider student academic performance; student free and reduced lunch status; or athletics.

An education authority may deny a transfer to a student, who in the most recent school year, has been suspended from school two or more times or has been suspended for an act of school violence, as described in these provisions (Section 167.827).

REGIONAL EDUCATION AUTHORITIES

The bill adds language that creates three separate regional education authorities and their respective funding mechanisms to coordinate student transfers, one for the St. Louis region, a second authority for the Kansas City area, and a third authority for the rest of the state. Each authority will consist of five members who must be residents of their covered area, as described in the provisions, appointed by the Governor with the advice and consent of the Senate, who will serve for a term of six years. The Education Authority must coordinate and collaborate with local districts and local governments for the student transfers. Parents who want to transfer their child to another district must notify the appropriate regional education authority by March 1. The education authority will assign students to districts using an admissions process, as described in these provisions (Sections, 167.830; 167.833; 167.836; 167.839; 167.842; and 167.845).

TRANSFER AND TRANSIENT STUDENT DATA

The bill requires that Department of Elementary and Secondary Education to compile and maintain student performance data scores of all transient and transfer students and make the data available on the Missouri Comprehensive Data System. Personally identifiable information will not be accessible on the database (Section 167.890).

SCHOOL BUILDINGS

These provisions require public school districts in which a charter school may be operated to convey a school building and grounds that are not occupied by the district to any charter school operating within the geographic boundaries of the district for fair market

value as assessed by an independent appraisal. The bill includes the conditions for the conveyance, the procedure for reversion back to the district should the charter school vacate, and a requirement that districts list unoccupied buildings on their websites (Section 177.031).

This bill includes an emergency clause.

PROPOSERS: Supporters say that this bill will help school districts participating in the transfer program.

Testifying for the bill was Representative Wood.

Opponents: There was no opposition to the bill.