

HCS HB 42 -- ELEMENTARY AND SECONDARY EDUCATION (Wood)

COMMITTEE OF ORIGIN: Standing Committee on Emerging Issues in Education

This bill changes the laws regarding elementary and secondary education.

DEFINITIONS (Sections 160.011 and 167.848, RSMo)

The definition of "graduation rate" is revised to the graduation rate determined by the annual performance report required by the Missouri School Improvement Program.

The bill adds definitions for terms regarding student transfers.

SCHOOL DISTRICT ACCREDITATION (Section 161.087)

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 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 a classification of unaccredited or provisionally accredited or a determination made by the state board. Each team 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's activities but must not be formally assigned to the team. The team must provide, at a minimum, an analysis of the assessment data, classroom practices, and the communication processes within buildings, within the district, and with the community, and 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 by the state board so that districts with the lower annual performance report scores are addressed first. The suggestions must be 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 must be the final arbiter of the matter.

ATTENDANCE CENTER ACCREDITATION (Section 161.238)

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 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 continue to report all scores on its annual performance report to the department for all of its schools. A juvenile detention center within a special school district is exempted from these accreditation standards.

These provisions must be effective 30 days after publication in the Code of State Regulations and must not be subject to the statutory two-year delayed effective date.

#### STATE BOARD OF EDUCATION INTERVENTION POWERS (Section 162.081)

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 must determine an equitable apportionment of state and federal aid for the part of the district. 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 may appoint members of the district's elected school board to the special administrative board but members of the elected board must not comprise more than 49% of the special administrative board's composition.

These provisions must not be construed to permit either the state board 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 specifies that when the state board determines an alternative governing structure for an unaccredited district, that alternative form of governance will be subject to the following

provisions: it must retain the authority granted to a board of education for the operation of the lapsed district and may enter into contracts in order to deliver high-quality educational programs to the residents of the district; its authority must expire at the end of the third full school year of its appointment unless extended by the state board; it must not be deemed to be the state or a state agency for any purpose; and it must not be considered a successor entity for purposes of employment contracts, unemployment compensation, or any other purpose.

If the state board 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 or 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 must not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students.

#### VIRTUAL EDUCATION (Sections 162.1250 and 167.121)

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. The bill specifies that when a student is a candidate for A+ tuition reimbursement and taking a virtual course, 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.

Currently, a student may enroll in the Missouri Virtual School 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 that the school scored in one of the classifications on two consecutive annual performance reports and adds any virtual school that meets the requirements of Section 162.1250 to the option.

#### TRANSIENT STUDENTS (Section 162.1305)

The bill specifies that "transient student" means 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, a transient student's score on a statewide assessment must not be included when calculating the status or progress scores on the district's annual performance report scores. The growth score must be weighted at 100% for the first year of attendance. In the second year of attendance, a transient student's score on a statewide assessment must be weighted at 50% with growth score weighted at 100%. In the third year and any subsequent year of attendance, a transient student's status, progress, and growth score must be weighted at 100% when calculating the district's performance for purposes of the district's annual performance report score.

#### PARENT NOTIFICATION OF UNACCREDITED STATUS (Section 162.1310)

When the state board classifies any district or attendance center as unaccredited, the district must 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 which students may be able to transfer, the transfer process, and any services students may be entitled to receive. This notice must be posted in a conspicuous and accessible place in each district attendance center and must be sent to each political subdivision located in the boundaries of the school district.

#### HOME VISITS (Section 162.1312)

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.

#### CHARTER SCHOOLS (Section 163.036)

When a local school board sponsors a charter school, it must only be permitted to use an estimate of the district's weighted average daily attendance for the current year and must not be permitted to use a weighted average daily attendance count from any preceding year for purposes of determining the amount of state aid to which it is entitled.

STUDENT TRANSFER CALCULATION OPTION (Sections 167.131 and 167.132)

Currently, the school board of a school district that does not maintain an accredited school is required to pay the tuition of and provide transportation for resident pupils who attend an accredited school in another district of the same or an adjoining county. This provision 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 it only applies to K-8 school districts.

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

(1) Multiply the full-time equivalent membership, as defined in Section 163.011, of the transfer students to any receiving district or approved charter school 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 that amount by the dollar value modifier of the receiving district or approved charter school used in calculating the current year formula apportionment;

(3) Multiply that amount by the percentage formula adjustment, if any, used by the department in calculating the current year formula apportionment; and

(4) Add to that amount 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 multiplied by the full-time equivalent membership of the transfer students attending the receiving district or approved charter school.

If there is disagreement as to the amount of tuition to be paid, the facts must be submitted to the state board, and its decision in the matter must be final.

TRANSPORTATION FOR TRANSFER STUDENTS (Section 167.241)

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 student capacity, the department must designate at least one additional accredited district to which the district of residence must provide transportation.

READING, PERSONALIZED LEARNING PLANS, STUDENT RETENTION (Section 167.730)

The bill requires, beginning July 1, 2016, every public school in the St. Louis City School District and the 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 January 1, 2016, and each January 1 thereafter, each public school in the St. Louis City School District and the 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 and for students determined to have limited English proficiency. For any student with a personalized learning plan, the student's main teacher must consult with the student's parent or guardian during the preparation of the plan and must have the written consent of the parent or guardian 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 have signed a notice that they prefer to have the student promoted except that the school must have the final determination on the issue of retention.

The St. Louis City School District, the Kansas City School District, and each charter school located in them must provide in its annual school accountability report card the numbers and percentages by grade of any students at grade level from first grade to tenth grade who have been promoted but who have been determined as reading below grade level, except that a reporting cannot permit the identification of an individual student. 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 these provisions with the oversight and approval of the department.

#### STUDENT TRANSFERS (Sections 167.826 and 167.827)

Any student who is enrolled in and has attended 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 or an approved charter school in an adjoining county or city not within a county or an accredited district located in the same or adjoining county or city not within a county that agrees to accept transfers for the reduced tuition rate. 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 level for class size and assigned enrollment under the Missouri School Improvement Program's 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 must be responsible for coordinating transfers from unaccredited schools to accredited schools within the district. The school board must annually 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. The sponsor of any approved charter school or the board of any accredited school district in the same or an adjoining county or city not within a county which elects to accept transfers for the reduced tuition rate may limit the number of transfer students accepted at the reduced tuition rate.

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 another accredited school in the district of residence

or an approved charter school in an adjoining county or city not within a county or an accredited district located in the same or adjoining county or city not within a county that agrees to accept transfers for the reduced tuition in these provisions 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 or may apply to enroll in an approved charter school.

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 must lose eligibility to transfer. A student who transfers but later withdraws must lose eligibility to transfer.

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

Districts that receive student transfers must not be 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 must have the right to 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 if he or she believes that the district's policy is unduly restrictive to student transfers.

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 has transferred to an accredited district must be permitted to continue his or her educational program through the completion of middle school, junior

high, or high school, whichever occurs first.

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 must remain responsible for paying the excess cost 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 or provide transportation on its own. 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 to an accredited school within the same or a different component district.

If the St. Louis City School District is declared unaccredited, it must remain responsible for the provision of special education and related services, including transportation to students with disabilities. A special school district in an adjoining county may contract with the St. Louis City School District for the reimbursement of special education services as specified in the bill.

Regardless of whether transportation is identified as a related service, a receiving district that is not part of a special school district must not be responsible for providing transportation to a student transferring under these provisions. An unaccredited district may contract with a receiving district that is not part of a special school district for transportation of students with disabilities. When a district or the St. Louis City School District is declared unaccredited, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services provided by the receiving district for transfer students who are residents of the unaccredited district.

By August 1, 2015, and by January 1 annually, each accredited district, any portion of which is located in the same or an adjoining county to 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 for enrollment in the subsequent school year. The education authority must assign transfer students to an accredited district in the same or an adjoining county or an approved charter school as space allows. The education authority must give first priority to students who live in the same household with any 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 must receive first priority the following school year. The authority must consider the following factors in assigning schools: the student's or parent's choice of the receiving school which must be the most important factor, the best interests of the student, the availability of transportation funding, and distance and travel time. The authority must not consider student academic performance, student free- and reduced-lunch status, or athletic ability in assigning a student to a school.

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 under specified provisions.

#### REGIONAL EDUCATION AUTHORITIES (Sections 167.830 - 167.845)

The bill establishes the St. Louis Area Education Authority, the Kansas City Area Education Authority, and the Statewide Education Authority. Each authority must consist of five members who must be residents of their covered area appointed by the Governor with the advice and consent of the Senate, who will serve for a term of six years. Each 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 specified in the bill.

#### TRANSFER AND TRANSIENT STUDENT DATA (Section 167.890)

The Department of Elementary and Secondary Education must 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 must not be accessible on the database.

#### SCHOOL BUILDINGS (Section 177.031)

The school board of any district in which a charter school may be operated must 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 a sum equal to the fair market value based on 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.

The bill contains an emergency clause.