

FIRST REGULAR SESSION

HOUSE BILL NO. 572

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MONTECILLO.

1408L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 160, 161, 162, and 167, RSMo, by adding thereto six new sections relating to school accreditation.

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

Section A. Chapters 160, 161, 162, and 167, RSMo, are amended by adding thereto six
2 new sections, to be known as sections 160.721, 161.238, 162.082, 162.1303, 167.825, and
3 167.826, to read as follows:

**160.721. 1. Each year, when annual performance reports become available and
2 before the state board of education makes any changes in accreditation, the state board of
3 education shall appoint a team to conduct a complete performance analysis of any district
4 whose annual performance report score is consistent with provisionally accredited or
5 unaccredited status to determine the factors that have contributed to the lack of student
6 achievement. The analysis shall look at the effectiveness of programs within the district,
7 including but not limited to curriculum, data management, community involvement,
8 professional development, district contracts, and financial management. The team shall
9 include an experienced teacher and an experienced administrator from successful school
10 districts of comparable size and per-pupil funding. The department of elementary and
11 secondary education shall compensate members of the team only for meals, lodging, and
12 travel expenses. The size of the audit team shall be based upon the size of the school to be
13 audited. The audit team shall report its findings to the state board of education and the
14 local board of education. The state board may require all or part of those findings to be
15 addressed in the comprehensive school improvement plan required under this section or
16 performance contracts with the district as defined in section 162.082.**

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.

17 **2. The board of education of any district whose annual performance report score**
18 **is consistent with provisionally accredited or unaccredited status shall submit a**
19 **comprehensive school improvement plan that provides for the following:**

20 **(1) Identification of the areas of academic deficiency in student performance on the**
21 **statewide assessment established under section 160.518 by disaggregating scores based**
22 **upon school, grade, academic content area and student demographic subgroups, which**
23 **shall include but shall not be limited to race, ethnicity, disability status, migrant status,**
24 **limited English proficiency, and economic disadvantage;**

25 **(2) Implementation of research-based strategies to assist the district in addressing**
26 **the areas of deficiency;**

27 **(3) Alignment of the district's curriculum to address deficiencies in student**
28 **achievement; and**

29 **(4) Reallocation of district resources to address the causes of the academic**
30 **deficiency.**

31 **3. Comprehensive school improvement plans shall be evaluated based upon**
32 **standards established under subsection 2 of this section and upon the following time lines:**

33 **(1) The comprehensive school improvement plan shall be submitted to the**
34 **department of elementary and secondary education on or before August fifteenth following**
35 **any school year in which a school district building achieves an annual performance report**
36 **score that is consistent with provisionally accredited or unaccredited status;**

37 **(2) The department of elementary and secondary education shall review and**
38 **identify areas of concern in the plan within sixty days of receipt; and**

39 **(3) The district shall forward any changes to the department of elementary and**
40 **secondary education within sixty days of notice to the district of the areas of concern.**

41 **4. The department of elementary and secondary education shall withhold funds**
42 **authorized in section 163.031 from any school district that fails to submit a comprehensive**
43 **school improvement plan based upon the standards and time lines established in this**
44 **section. Withheld funds shall be released upon submission of a comprehensive school**
45 **improvement plan that meets the established requirements.**

46 **5. The effectiveness of the school district in implementing the comprehensive school**
47 **improvement plan required under this section shall be considered by the state board of**
48 **education in the school district's accreditation granted under section 161.092.**

49 **6. Nothing in this section shall prohibit the department of elementary and**
50 **secondary education from appointing a team to review any school district if the state board**
51 **of education deems it necessary and proper, especially in a case of a significant drop in a**
52 **district's annual performance report.**

53 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
54 created under the authority delegated in this section shall become effective only if it
55 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
56 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
57 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
58 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
59 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,
60 shall be invalid and void.

 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 individual school buildings within a district separately from the district as a
4 whole using the classification designations provided in section 161.086.

5 2. Under this system, the state board of education shall not classify a district as
6 unaccredited unless it has previously classified at least fifty-five percent of the district's
7 school buildings as unaccredited.

8 3. Any rule or portion of a rule, as that term is defined in section 536.010 that is
9 created under the authority delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter 536, and, if applicable,
11 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
12 vested with the general assembly pursuant to chapter 536, to review, to delay the effective
13 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
14 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015,
15 shall be invalid and void.

 162.082. 1. School boards in school districts whose annual performance report
2 score is consistent with provisionally accredited or unaccredited status shall immediately
3 enter into a contract with the state board of education to commit to certain interventions
4 for each school building whose annual performance report score is consistent with
5 provisionally accredited or unaccredited status; however, upon mutual agreement of the
6 local school board and the state board, a school whose grade configuration, curriculum,
7 or student assignments are deemed to make the annual performance report score an
8 inaccurate indicator of the need for such a contract shall be exempt from this section.

9 2. Except for a district that has been declared unaccredited on or before July 1,
10 2015, when a contract is executed, the state board of education shall not accredit such
11 district at a level below provisionally accredited as long as the district meets the
12 performance goals laid out in the contract. Such contract shall require intensive
13 professional development for all board members, administrators, and teachers. When the

14 state board of education deems it necessary, the contract shall include provisions requiring
15 the school district to engage community partners to support school improvement projects
16 within thirty days of the contract execution, or the contract shall be null and void. If a
17 district that has been declared unaccredited on or before July 1, 2015, regains provisional
18 accreditation status, this subsection shall apply to the district as of the date that the state
19 board declares the district provisionally accredited.

20 3. No single performance contract shall be longer than three years, but a
21 performance contract may be renewed. If the district becomes accredited without provision
22 during the term of the contract, the contract shall be null and void. If at any time during
23 the contract the district has met the performance goals of the entire contract but has yet
24 to regain full accreditation, the contract shall be renewed.

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 and all other performance data for any transient**
29 **student or any student who has not been enrolled in a district-operated school for the**
30 **previous three full school terms shall be modified in the following manner when calculating**
31 **the district's performance for purposes of the Missouri school improvement program or**
32 **any successor assessment program:**

33 **(1) Any statewide assessment scores and all other performance data for any student**
34 **who has not been enrolled in a district-operated school for the preceding full school term**
35 **shall not be used when calculating the district's performance for purposes of the Missouri**
36 **school improvement program or any successor assessment program;**

37 **(2) The statewide assessment scores and all other performance data for any student**
38 **who has been enrolled in a district-operated school for the full preceding school term but**
39 **has not been enrolled in a district-operated school for the full two preceding school terms**
40 **shall be weighted at thirty percent of the weight assigned to a student who has been**
41 **enrolled in a district operated school for the full three preceding school terms when**
42 **calculating the district's performance for purposes of the Missouri school improvement**
43 **program or any successor assessment program;**

44 **(3) The assessment data for any student who has been enrolled in a**
45 **district-operated school for two full preceding school terms but has not been enrolled in**
46 **a district-operated school for the full three preceding school terms shall be weighted at**
47 **seventy percent of the weight assigned to a student who has been enrolled in a**
48 **district-operated school for the full three preceding school terms when calculating the**
49 **district's performance for purposes of the Missouri school improvement program or any**
50 **successor assessment program.**

167.825. 1. Any student who is enrolled in and attends a public school that is
2 **classified as unaccredited by the state board of education under the system of classification**
3 **may transfer to another public school in the student's district of residence that offers the**
4 **student's grade level of enrollment and that is accredited without provisions by the state**
5 **board of education. However, no such transfer shall result in a class size and assigned**
6 **enrollment in a receiving school that exceeds the standard level for class size and assigned**
7 **enrollment as promulgated in the Missouri school improvement program's resource**
8 **standards.**

9 **2. If the student chooses to attend a magnet school, an academically selective school,**
10 **or a school with a competitive entrance process within his or her district of residence that**

11 has admissions requirements criteria, the student shall meet such admissions requirements
12 criteria in order to attend.

13 3. Each district shall adopt a policy to grant priority to the lowest achieving
14 students from low-income families if its capacity is insufficient to enroll all pupils who seek
15 to attend.

167.826. 1. If a student residing in an unaccredited district and living within the
2 attendance boundaries of an unaccredited school is unable to transfer to another
3 accredited school within his or her district of residence under section 167.825, the student
4 may transfer to an accredited school within an accredited district located in the same or
5 an adjoining county. The student's district of residence shall pay the student's tuition as
6 established in subsection 3 of this section, or, if applicable, subsection 4 of this section shall
7 apply. A student who wishes to transfer to an accredited district shall provide proof that
8 he or she resided in an unaccredited district and within the attendance boundaries of an
9 unaccredited school for a minimum of twelve months prior to applying for a transfer.

10 2. No provisionally accredited district or provisionally accredited school shall be
11 eligible to receive transfer students. No unaccredited district or unaccredited school shall
12 be eligible to receive transfer students. No district or school with a current year score of
13 seventy-five or lower on its annual performance report under the Missouri school
14 improvement program shall be eligible to receive any transfer students, irrespective of its
15 state board of education accreditation classification, except that any student who was
16 granted a transfer prior to the effective date of this section, to such a district or school may
17 remain enrolled in that district or school.

18 3. The rate of tuition to be charged by the district attended and paid by the sending
19 district is the per-pupil cost of maintaining the district's grade level grouping which
20 includes the school attended. The cost of maintaining a grade level grouping shall be
21 determined by the board of education of the district but in no case shall it exceed all
22 amounts spent for teachers' wages, incidental purposes, debt service, maintenance, and
23 replacements. The term "debt service", as used in this section, means expenditures for the
24 retirement of bonded indebtedness and expenditures for interest on bonded indebtedness.
25 Per-pupil cost of the grade level grouping shall be determined by dividing the cost of
26 maintaining the grade level grouping by the average daily pupil attendance. If there is
27 disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state
28 board of education, and its decision in the matter shall be final. The school board of a
29 receiving district, upon a majority vote of the board, may choose to charge a rate of tuition
30 less than the amount that would otherwise be calculated under this subsection.

31 **4. If the school board of a receiving district, upon a majority vote of the board,**
32 **chooses to charge a rate of tuition that is less than ninety percent of the rate that would**
33 **otherwise be calculated under subsection 3 of this section, ten percent of the receiving**
34 **district's tuition rate shall be paid from the supplemental tuition fund. There is hereby**
35 **created in the state treasury the "Supplemental Tuition Fund". The fund shall consist of**
36 **any moneys appropriated annually by the general assembly from general revenue to such**
37 **fund, any moneys paid into the state treasury and required by law to be credited to such**
38 **fund and any gifts, bequests or public or private donations to such fund. The state**
39 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
40 **the state treasurer may approve disbursements. The fund shall be a dedicated fund and,**
41 **upon appropriation, money in the fund shall be used solely for the administration of this**
42 **section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
43 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
44 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
45 **manner as other funds are invested. Any interest and moneys earned on such investments**
46 **shall be credited to the fund.**

47 **5. Each district shall have the right to establish and adopt, by objective means, a**
48 **policy for desirable class size and student-teacher ratios. If a district adopts such a policy,**
49 **it shall not be required to accept any transfer students under this section that would violate**
50 **its class size or student-teacher ratio. If a student seeking to transfer is denied admission**
51 **to a district based on a lack of space under the district's policy, the student or the student's**
52 **parent or guardian may appeal the ruling to the state board of education if he or she**
53 **believes the district's policy is unduly restrictive to student transfers. The state board of**
54 **education shall review the appropriateness of the district's policy and shall give special**
55 **consideration to any district with a greater than average population of students that**
56 **qualify for free and reduced lunch. If the state board of education finds that the district's**
57 **policy is unduly restrictive to student transfers, it may limit the district's policy. The state**
58 **board of education's decision shall be final.**

59 **6. When a district is declared unaccredited, it shall contract with any special school**
60 **district located in the same or an adjoining county for the reimbursement of special**
61 **education services provided by the special school district for transfer students who are**
62 **residents of the unaccredited district.**

63 **7. The student's district of residence may provide transportation for him or her to**
64 **attend another accredited district but shall not be required to do so.**

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