

CCS SCS HCS HB 42 -- ELEMENTARY AND SECONDARY EDUCATION

(Vetoed by the Governor)

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 various definitions for terms regarding student transfers.

CHARTER SCHOOLS (Section 160.400)

Currently, charter schools may only be operated in specified school districts. The bill repeals the current restrictions on when a charter school may operate in a provisionally accredited district and allows a charter school to operate in any provisionally accredited district at any time. The bill adds that they may be operated in a school district with all or most of its land area located in Jackson County except in school districts that are accredited without provisions and with less than 3,000 resident students. A district with most or all of its land in St. Louis County may also operate a charter school under these provisions.

The bill repeals the requirement that a two-year private vocational or technical school be a member of the North Central Association in order to be a charter school sponsor.

The bill requires that the contract between a sponsor and a charter school contain performance consequences aligned with annual performance report evaluations of public schools.

A sponsor's policies and procedures must require charter schools to meet current state academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract.

When a sponsor notifies a charter school of closure, the Department of Elementary and Secondary Education must withhold funds to assure all obligations of the charter school are met. The state, charter school's sponsor, or resident district must not be liable for any outstanding liability or obligations of the charter school.

APPLICATION AND APPROVAL EXEMPTION (Section 160.403)

The bill exempts the Missouri Charter Public School Commission from the Department of Elementary and Secondary Education's annual application and approval process for entities eligible to be a sponsor of a charter school.

CHARTER SCHOOLS AND SPONSORS (Section 160.405)

A charter must include a time frame for implementation between a charter school and the sponsor as to when a sponsor will intervene in a charter school.

Currently, the State Board of Education must approve a charter by December 1 of the year prior to the proposed opening date of the charter school. The bill requires the state board to approve a charter by January 31 prior to the school year of the proposed opening date of the charter school.

Currently, when a sponsor approves a charter and submits the application to the state board, it must include a statement of finding that the application meets statutory requirements. The bill requires the sponsor to prepare the statement of finding.

The state board must approve or deny a charter application within 60 days of its receipt. If the state board denies a charter application, it must do so in writing and identify the specific failures of the application to meet statutory requirements. The written denial must be provided to the sponsor within 10 business days.

The bill allows charter schools to provide early childhood education if it is specified in the charter.

Currently, a sponsor may place a charter school on probationary status for no more than 12 months. The bill increases the time period to no more than 24 months.

A charter school that has an annual performance report consistent with a classification of accredited for three of the last four years and is fiscally viable may have an expedited renewal process as defined by rule of the Department of Elementary and Secondary Education.

The department must calculate an annual performance report for each charter school and must publish it in the same manner as they are calculated and published for districts and attendance centers.

The department must create a committee to investigate facility access and affordability for charter schools. This committee must

report its findings to the General Assembly by December 31, 2015.

HIGH-QUALITY LOCAL EDUCATIONAL AGENCIES (Section 160.408)

High-quality local educational agencies, as defined in the bill, must be provided expedited opportunities to replicate and expand into unaccredited districts, provisionally unaccredited districts, the St. Louis City School District, the Kansas City School District, St. Louis County, and Jackson County except for districts in Jackson County that have less than 3,000 students and are accredited without provisions.

A high-quality local educational agency must receive 80% or more of the total possible points on its annual performance report in three of the previous four school years, maintain a graduation rate of at least 80% for three of the last four school years if the charter school provides a high school program, be in material compliance with its legally binding performance contract and the charter school laws, and be organizationally and fiscally viable as specified in the bill.

The term of the charter must be five years and may be renewed for terms of up to 10 years.

NONRESIDENT PUPILS (Section 160.410)

A charter school must enroll nonresident pupils who are residents of Missouri and have at least one parent employed by the charter school unless the pupil's enrollment will cause a resident student to be denied enrollment and must enroll nonresident pupils from unaccredited schools in the same or an adjoining county who were enrolled in and attended an unaccredited school for at least one semester immediately prior to requesting the transfer who were unable to transfer to an accredited school in their district of residence.

If capacity is insufficient to enroll all pupils who submit a timely application, the charter school must have an admissions process that does not discriminate based on the parents' ability to pay fees or tuition.

The bill changes which students are counted in the performance of a charter school on the statewide assessments. Students enrolled in the charter school from the last Wednesday in September through the administration of the Missouri Assessment Program test without transferring out of the school and re-enrolling must be counted in the school's performance in that year unless otherwise exempted as English language learners.

WEIGHTED AVERAGE DAILY ATTENDANCE (Section 160.415)

For the purposes of the calculation and distribution of state school aid, a charter school's weighted average daily attendance must be adjusted to include any nonresident pupil who is a resident of Missouri and attends the charter school and whose parent is employed there.

A charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to it from an unaccredited school.

REQUIRED SCHOOL ATTENDANCE (Section 160.417)

The bill changes the phrase "minimum number of school days and hours required" to "minimum amount of school time required."

MISSOURI CHARTER PUBLIC SCHOOL COMMISSION (Section 160.425)

The Missouri Charter Public School Commission may employ staff as needed to carry out its duties. Commission employees must be considered state employees for purposes of membership in the Missouri State Employees' Retirement System and the Missouri Consolidated Health Care Plan.

The bill creates the Missouri Charter Public School Commission Revolving Fund in the state treasury.

SCHOOL DISTRICT ACCREDITATION (Section 161.084)

If there is no State Board of Education member who is a resident of the Congressional district in which a school district under consideration for classification is located, the state board must assign the school district a classification designation of unaccredited or change a district's classification designation from accredited to provisionally accredited only after notifying the Governor of its intent to change the classification of the district. The Governor must make the required appointment to the state board within 30 days of the notification.

CLASSIFICATION DESIGNATIONS (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 recommendations for improvement based on the needs of the community and the district and an analysis of, at a minimum, the assessment data, classroom practices, and the communication processes within buildings, within the district, and with the community. 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 the goal of the team's suggestion, 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 policy to classify individual attendance centers except for attendance centers that do not offer classes above the second grade level. The policy must require that an attendance center's classification be based solely on a three-year average of the attendance center's annual performance report scores using the three most recent years and the state board must assign a classification consistent with the three-year average score.

The state board must implement the policy and:

(1) Within 45 days of the effective date of these provisions, for each district that is classified as unaccredited by the state board at that time, classify each of the unaccredited district's attendance centers separately from the district as a whole using the classification designations provided in Section 161.087;

(2) Within 90 days of the effective date of these provisions, for each district that is classified as provisionally accredited by the state board at that time, classify each of the provisionally accredited district's attendance centers separately from the district as a whole using the classification designations provided in Section 161.087; and

(3) By January 1, 2016, for each urban school district, St. Louis

City School District, Kansas City School District, and school districts with most or all of their land in St. Louis County, classify each of the district's attendance centers separately from the district as a whole using the classification designations provided in Section 161.087.

These classifications must become effective immediately and remain in effect until the state board develops, adopts, and implements the specified classification system.

By January 1, 2016, the state board must, through administrative rule, develop a system of classification that accredits attendance centers, except for those that do not offer classes above the second grade level, within a district separately from the district as a whole using the classification designations provided in Section 161.087.

Attendance centers must be assigned one of the following classification designations: unaccredited, provisionally accredited, accredited, or accredited with distinction.

The state board may assign classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools as classification designations for attendance centers that are exempt from the accreditation classification system. Public separate special education schools within a special school district and within a school district are exempt 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.

Upon adoption of the classification system described in these provisions, the state board may change any classification it has assigned to an attendance center.

An attendance center that does not offer classes above the second grade level must be exempt from any requirements related to statewide assessments.

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.

SCHOOL TRANSFER AND IMPROVEMENT TASK FORCE (Section 161.1000)

The bill establishes the School Transfer and Improvement Task Force within the Department of Elementary and Secondary Education to

study means to address failing schools, including the creation of a school improvement district; options for school transfer finance formulas; best practices for how to design and finance public virtual and blended schools; best practices and possible pilot projects to assist transient students; options for comprehensive school quality indicators leading to student success; options for school quality review models based on successful review models currently in use; options for locally-created assessment and accountability systems; and best practices in parent and community engagement.

The task force will consist of the following members:

- (1) Three members of the Senate, appointed by the President Pro Tem of the Senate, with not more than two from the same party;
- (2) One member from an education policy research organization in Missouri, appointed by the President Pro Tem of the Senate;
- (3) Three members of the House of Representatives, appointed by the Speaker, with not more than two from the same party;
- (4) One member from a statewide business association, appointed by the Speaker of the House of Representatives;
- (5) The Commissioner of Education, or his or her designee;
- (6) One member from an education organization consisting exclusively of elected officials, appointed by the Commissioner of Education; and
- (7) The Lieutenant Governor, or his or her designee.

The task force must make recommendations by February 1, 2016, to the General Assembly. The provisions regarding the task force will expire on April 30, 2016.

DYSLEXIA (Sections 161.1005 and 633.420)

The bill:

- (1) Requires, by July 1, 2016, the Department of Elementary and Secondary Education to employ a dyslexia therapist, licensed psychometrist, licensed speech-language pathologist, certified academic language therapist, or certified training specialist to serve as the department's dyslexia specialist. The specialist must have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders;

(2) Requires the department to ensure that the dyslexia specialist has completed specified training and received specified certification;

(3) Specifies the qualifications the dyslexia specialist must possess and the responsibilities he or she will have, including assisting the department with developing and administering specified programs for school districts no later than the 2016-17 school year;

(4) Establishes the Legislative Task Force on Dyslexia and requires the Joint Committee on Education to provide technical and administrative support as required by the task force to fulfill its duties;

(5) Requires the task force to meet at least quarterly and to advise and make recommendations to the Governor, General Assembly, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services. The meetings may be held via telephone or video conference;

(6) Requires the task force to consist of 18 members who will serve without compensation. Two must be members of the House of Representatives appointed by the Speaker of the House. The remaining membership is specified in the bill;

(7) Requires the task force to make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia including the development of resource materials and professional development activities, which must be included in a report to the Governor and legislature and must include findings and proposed legislation. The report must be made available no longer than 12 months from the task force's first meeting; and

(8) Specifies what should be included in the recommendations and resource materials developed by the task force.

The task force authorized under these provisions will expire on August 31, 2017.

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, it 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 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 must 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.

When the state board determines another form of governance for an unaccredited district, that other 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 reasonably believes that a school district is unlikely to provide for the minimum number of school hours required in a school term 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. 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 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 49% 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 reimbursements, the school must attribute no less than 95% attendance to any student who has completed the virtual course.

A parent or guardian may enroll his or her child in a virtual school of his or her choice if the child is enrolled in and has

attended, for at least one semester immediately prior to enrolling in the virtual school, an unaccredited school in any district in this state; an attendance center in an unaccredited district; an attendance center in a provisionally accredited district; an attendance center in a district that has most or all of its land area located in Jackson County; an attendance center in a district that has most or all of its land area located in St. Louis County; or an attendance center in the St. Louis City School District.

If the child is eligible to begin kindergarten or first grade at any of these specified schools, the requirement that the child be enrolled in and have attended, for at least one semester immediately prior to enrolling in the virtual school, any of the schools does not apply.

A parent may only enroll a child in a virtual school that meets specified requirements. Courses in the virtual school must be aligned with the Show-Me Curriculum Standards and comply with state requirements for teacher certification. The state board must reserve the right to request information and materials sufficient to evaluate any on-line course. These on-line courses must be considered like any other courses offered by a school district or charter school. The student's district of residence must pay tuition for any student who enrolls in a virtual school under these provisions. The tuition amount must not exceed the state adequacy target. For purposes of these provisions, beginning on July 1, 2016, the state adequacy target amount used will be as calculated as described in the bill.

If an unaccredited school becomes classified as provisionally accredited or accredited without provisions by the state board or if an unaccredited or provisionally accredited district becomes classified as accredited without provisions, any student who has enrolled in a virtual school described in these provisions must be permitted to continue his or her educational program in the virtual school through the completion of high school.

Unaccredited schools, unaccredited districts, and provisionally accredited districts must be responsible for notifying students, parents, and guardians of the virtual school options described in these provisions. The decision to enroll in virtual school coursework must be solely at the discretion of the student and his or her parent or guardian. School districts and schools must not use the availability of a virtual school to prevent a student from transferring to another school under the school transfer law.

TRANSIENT STUDENTS (Sections 162.1303 and 162.1305)

"Transient student" means any student who withdraws from one

attendance center and enrolls in any other attendance center two or more times within two school years.

The bill requires the Department of Elementary and Secondary Education to annually calculate a transient student ratio for each attendance center, charter school, and local educational agency based on the transient student ratios of all the attendance centers in the district and publish the transient student ratio of each district, attendance center, charter school, and local educational agency on its website and in the school accountability report card of each district, attendance center, charter school, and agency.

The transient student ratio is to be calculated using specified data, including the number of transient students enrolled in the district or school, the number of students who withdrew from the district during the school year, the number of students who enrolled in the district on or before the last Wednesday in September, and the number of students who enrolled in the district after the last Wednesday of September.

Each school district and charter school must report annually to the department any information and data necessary for the department to calculate transient student ratios.

The bill specifies that in the first year of attendance in a district or charter school, a transient student's score on a statewide assessment must not be used when calculating the status or progress scores on the district's or charter school's annual performance report score. In the second year of attendance, the student's score must be weighted at 30%. In the third year of attendance, the student's score must be weighted at 70%. In the fourth year of attendance and any subsequent years of attendance, the student's score must be weighted at 100%. A transient student's growth score must be weighted at 100% for all the years.

PARENT NOTIFICATION OF UNACCREDITED STATUS (Section 162.1310)

When the State Board of Education classifies any district or attendance center as unaccredited, the district must notify the parent or guardian of students enrolled in the district or center and district taxpayers 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 municipality located in the boundaries of the school district.

HOME VISITS (Section 162.1313)

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 the parent or guardian of a student enrolled in the school the opportunity to have one or more annual home visits and must offer an opportunity for a meeting at the school or a mutually agreeable site.

STATE ADEQUACY TARGET CALCULATION (Section 163.011)

The bill modifies how the calculation of school district current operating expenses is used to determine the state adequacy target. When the state adequacy target is recalculated, any increase in state funding attributable to an individual district must be limited to 200% of the aggregate percentage increase in state funding for all of the performance districts used in the same recalculation.

EARLY CHILDHOOD EDUCATION FUNDING (Section 163.018)

The bill specifies that charter schools become eligible to receive state funding for early childhood education at the same time as the district in which they are located becomes eligible. The bill also changes the age range used to determine the 4% cap on the total number of pupils included in the average daily attendance who are eligible for free or reduced lunch in order to be eligible for early childhood education funding from ages 3 to 18 to ages 5 to 18.

STATE ADEQUACY TARGET ADJUSTMENT (Section 163.031)

The bill delays until July 1, 2016, the implementation of the provision that requires the department to adjust the state adequacy target to accommodate available appropriations if the appropriations are not sufficient to fully fund all school districts and the implementation of the provision prohibiting the reduction of payments to hold-harmless districts.

LOCAL SCHOOL BOARD SPONSORS (Section 163.036)

When a local school board sponsors a charter school, it must only use an estimate of the district's weighted average daily attendance for the current year and must not 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.

USE OF CERTAIN DATA FROM NEGLECTED CHILDREN AND DELINQUENT CHILDREN IN THE AGGREGATE DATA OF A SCHOOL DISTRICT (Section 167.127)

The bill prohibits the Department of Elementary and Secondary Education from creating any report or publication related to the Missouri School Improvement Program that includes data of any children in facilities serving neglected or delinquent children residing in a court-ordered group home from being aggregated with data from the district's regularly enrolled pupils.

STUDENT TRANSFERS (Section 167.131)

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.

RECEIVING DISTRICTS AND CHARTER SCHOOLS (Section 167.132)

A receiving district or a receiving approved charter school may negotiate with a sending district to accept a reduced tuition rate for transfer students and the receiving district or receiving approved charter school may limit the number of transfer students accepted at the reduced tuition rate as calculated under these provisions. If the receiving district or receiving approved charter school elects to accept tuition as calculated under these provisions and does not limit the number of transfer students accepted at this reduced rate, the district or approved charter school must receive students through the education authority based solely on the parent request and available seats.

Beginning in the 2015-16 school year, if a sending district and a receiving district or receiving approved charter school have agreed upon a reduced tuition rate, the tuition, calculated annually by the appropriate education authority, must be calculated as the product of the sum of the average per-pupil current expenditures of all available receiving districts for the sending district divided by the number of all available receiving districts for the sending district and 70%.

If there is a disagreement as to the amount of tuition to be paid, the facts must be submitted to the State Board of Education, and its decision will be final.

For each of the first two full school years that a receiving district or receiving approved charter school charges a rate of tuition as calculated under these provisions, accepts a minimum of

25 transfer students at the reduced rate, and does not limit the number of transfer students accepted at the reduced rate, if the aggregate scores of student growth of all the transfer students in the receiving district or receiving approved charter school meet or exceed targets established in the state accountability system, the receiving district or receiving approved charter school must earn additional credit in academic achievement on its annual performance report. The department must promulgate an administrative rule to implement these provisions.

If a receiving district elects to accept tuition as calculated under these provisions and does not limit the number of transfer students accepted at the reduced rate, the department must consider the action as an additional criterion when determining whether to assign the receiving district a classification of accredited with distinction.

If a receiving district or receiving approved charter school elects to accept tuition as calculated under these provisions and does not limit the number of transfer students accepted at the reduced rate, 10% of the total amount of tuition in addition to the 70% for the receiving district or receiving approved charter school must be paid from the newly created Supplemental Tuition Fund.

STUDENT PROMOTION (Section 167.642)

Any underperforming district in St. Louis County is prohibited from promoting any student from the fifth grade to the sixth grade or from the eighth grade to the ninth grade who is two years or more below grade level as measured by quantifiable student performance data designated by the local district. This provision does not apply to any student with an individualized education program or any student receiving services through a federal Section 504 Plan.

SCHOOL DISTRICT IMPROVEMENT MEASURES (Sections 167.685 and 167.688)

Each unaccredited district must offer free tutoring and supplemental education services to underperforming and struggling students. A district may use funds from the newly created School District Improvement Fund to the extent funds are available. An unaccredited district may satisfy the free tutoring services requirement by entering into a contract with a public library for on-line tutoring services. In addition, an underperforming district may implement a new curriculum, as specified in the bill; retain an outside expert to advise the district or school on regaining accreditation; enter into a contract with an education management company or education services provider that has a demonstrated record of effectiveness operating a school or schools; enter into a collaborative relationship and agreement with an

accredited district in which teachers from both districts exchange positions for two school weeks; or implement any other change suggested by the state board, an approved expert or contractor, or an assistance team that the board has reason to believe will result in improved performance for accreditation purposes.

Any underperforming district that offers an attendance recovery program designed exclusively to allow students to recapture attendance hours lost due to absences must be allowed to include the hours in the district's attendance rate for purposes of the Missouri School Improvement Program accreditation scoring.

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

Beginning July 1, 2016, every public school in the St. Louis City School District and Kansas City School District, including charter schools, must incorporate a response-to-intervention tiered approach to reading instruction for students determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth 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 1 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 working below grade level. These provisions must not apply to students with an individual education plan (IEP), students receiving services through a plan prepared under Section 504, or 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 the school must require the written consent of the parent or guardian to implement it. 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 reading 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 that the student is ready for third grade at the end of summer school; 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 sign a notice that they prefer to have the student promoted except that the school must have the final determination on the issue.

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 from first grade to tenth grade in each school of any student at any grade level who has been promoted but who has been determined as reading below grade level, except that any reporting must not 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 of Elementary and Secondary Education.

TRANSFER PROGRAM (Section 167.825)

For school year 2015-16, students who participated in the transfer program that existed on July 1, 2013, must be allowed to participate under the same terms that governed the transfers in school year 2013-14, except for the determination of the tuition amount.

For school year 2015-16, any student who transferred from an unaccredited district to an accredited district in the same or an adjoining county in school year 2013-14 or school year 2014-15 but did not attend a public school in the unaccredited district for the semester prior to the transfer, unless the student was entering kindergarten or first grade when he or she transferred, must no longer be eligible to transfer in school year 2015-16.

For school year 2015-16 if an unaccredited district becomes provisionally accredited or accredited without provisions, any resident student who has transferred must be permitted to continue his or her educational program in the receiving district through the completion of middle school, junior high school, or high school, whichever occurs first, and as specified in the bill. However, any student must have previously attended a school in the unaccredited district for at least one semester before initially transferring, unless the student was entering kindergarten or was a

first grade student. The student must maintain residence in the unaccredited district. A student who returns to his or her district of residence must be ineligible to transfer again.

Any student who was participating in the school transfer program before January 1, 2015, and who attended, for at least one semester immediately prior to transferring, a school in an unaccredited district must have the option of transferring to a virtual school as specified in the bill, an approved charter school, or another public school in the student's district of residence that offers the student's grade level of enrollment.

STUDENT TRANSFERS (Section 167.826)

Any student may transfer to another public school in his or her district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board if the student is enrolled in and has attended an unaccredited school in an unaccredited district for the full semester immediately prior to requesting the transfer. Any student may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board if the student is enrolled in and has attended an unaccredited school, for the full semester immediately prior to requesting the transfer, in an urban school district, the St. Louis City School District, a district that has most or all of its land area located in St. Louis County, or a district that has most or all of its land area located in Jackson County. However, student transfers within the district of residence cannot result in a class size and assigned enrollment in a 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 district that operates an unaccredited school must determine the capacity at each of the district's accredited schools. The district's school board must be responsible for coordinating the transfers within the district. Students enrolled in and attending an attendance center only offering kindergarten through grade two are not eligible to transfer to another school.

Any student who has first attempted and is unable to transfer to an accredited school within his or her district of residence due to a lack of capacity at accredited schools in the district of residence may apply to the appropriate education authority to transfer to an accredited school in another district in the same or an adjoining county or an approved charter school in another district located in the same or an adjoining county. After the state board has assigned classification designations to all attendance centers and continuing thereafter, any student who is eligible to transfer

under these provisions and who has first attempted but is unable to transfer to an accredited school within his or her district of residence due to a lack of capacity in accredited schools in the district of residence may apply to the appropriate education authority to transfer to an accredited school in another district located in the same or an adjoining county or to an approved charter school in another district located in the same or an adjoining county.

The application to the education authority to transfer must be made by March 1 before the school year in which the student intends to transfer.

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

An unaccredited district, provisionally accredited district, unaccredited school, or provisionally accredited school cannot be eligible to receive transfer students, except that, within an unaccredited district, students may transfer from unaccredited schools to accredited schools, and a transfer student who chooses to attend a provisionally accredited school in the district of residence must be allowed to transfer to the school if there is an available slot.

If a charter school may receive nonresident transfer students because it has been operating for less than three years but then loses its status as an approved charter school immediately after those three years because its three-year average score on its annual performance report is below 70%, any student who previously transferred to the charter school may remain enrolled in the charter school but no additional nonresident students may transfer to the charter school.

Any attendance center with a three-year average score of 70% or lower on its annual performance report must not be eligible to receive any transfer student, regardless of its state board classification designation, except that any student who was granted a transfer to the attendance center prior to the effective date of the bill may remain enrolled in that attendance center.

Districts and charter schools that receive student transfers are not required to exceed the class size and assignment enrollment standards of its approved policy on class size; hire additional classroom teachers; or construct additional classrooms unless the school board of the receiving district or the receiving approved charter school's governing board has approved the action.

Each receiving district and approved charter school must have the right to establish a policy for desirable class size and student-teacher ratios based on objective means and must not be required to accept any transfer student that would violate its policy. A district's policy may allow for estimated growth in the resident student population. A charter school may use the class size, student-teacher ratios, and growth projections for student enrollment in its charter and charter application when adopting a policy. A district or approved charter school that adopts a policy must do so by January 1 annually. If a transfer student is denied admission based on a lack of space under a policy, the student may appeal the ruling to the state board. The state board may limit the policy if it finds the policy is unduly restrictive to student transfers. The decision of the state board must be final.

For each student who transfers to another district or approved charter school, the student's district of residence must pay the tuition amount for each transfer student to the receiving district or receiving approved charter school in two increments annually, once at the start of the school year and once at the start of the second semester of the school year. Each receiving district and receiving approved charter school must adopt a policy establishing a tuition rate by February 1 annually.

If an unaccredited school becomes provisionally accredited or accredited without provisions, any resident student who transferred under one of the transfer options must be permitted to continue his or her educational program in that education option through the completion of middle school, junior high, or high school as specified in the bill.

For any district that operates an unaccredited school, the education authority for the county in which the district is located must designate at least one accredited district to which the district must provide transportation for transfer students. However, for the 2015-16 school year and until the education authorities are operational, the Department of Elementary and Secondary Education must designate at least one accredited district to which a district operating an unaccredited school must provide transportation for transfer students. For the 2015-16 school year, transportation costs for the Normandy Schools Collaborative must be paid from the newly created Student Transfer Transportation Fund.

Beginning in the 2016-17 school year, when determining transportation arrangements, neither the department nor any education authority can contract with or collaborate with any established regional association or cooperative of school districts located in St. Louis City or St. Louis County.

When costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount, the transfer student's district of residence must remain responsible for paying the excess cost to the receiving district or charter school. When the receiving district is a component district of a special school district, the transfer student's district of residence 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 a district operating an unaccredited school for the provision of transportation of a student with a disability. 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 school within a component district to an accredited school within the same or a different component district within the special school district.

When the St. Louis City School District operates an unaccredited school, 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 provided by the special school district for transfer students who are residents of the district operating an unaccredited school.

Regardless of whether transportation is identified as a related service within a student's individualized education program, 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. A district operating an unaccredited school may contract with a receiving district that is not part of a special school district for transportation of students with disabilities. When a district other than St. Louis City operates an unaccredited school, 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 district operating an unaccredited school.

ELIGIBLE DISTRICTS (Section 167.827)

By August 1, 2015, and by January 1 annually, each district eligible to receive transfer students must report to the education authority for the county in which the district is located the number of its available enrollment slots in accredited schools by grade level. Each district operating an unaccredited school must report the number of available enrollment slots in the district's accredited schools. Each approved charter school eligible to receive transfer students must report the number of available enrollment slots by the same dates.

Each education authority with a district operating an unaccredited school in its geographic area must make information and assistance available to parents or guardians who intend to transfer their child using one of the transfer options. The parent or guardian who intends to transfer his or her child must send initial notification to the education authority for the county in which he or she resides by March 1 for enrollment in the subsequent school year. The education authority must assign transfer students as space allows. When assigning students to approved charter schools, the education authority must coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school must not be required to receive any transfer student that would require it to institute a lottery procedure for determining the admission of resident students. The education authority must 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 and who apply to transfer to the same accredited school. If insufficient grade-appropriate enrollment slots are available for a student to transfer, that student must receive first priority the following school year. The authority must only disrupt student and parent choice for transfers if the 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, which must be the most important factor; the best interests of the student; and distance and travel time. The authority must not consider student academic performance; free and reduced price lunch status; or athletic ability in assigning a student to a school.

When assigning transfer students to approved charter schools, an education authority must coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application.

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 specified in the bill. A student who is denied a transfer for this reason has the right to an in-person meeting with a representative of the authority. Each education authority must develop administrative guidelines to provide common standards for determining disruptive behavior that must include criteria under the Safe Schools Act.

The test scores of transfer students attending schools in districts other than their district of residence must be counted as follows:

- (1) In the first year of attendance in a district or approved charter school, a transfer student's score on a statewide assessment must not be included when calculating the status or progress scores on the district's or charter school's annual performance report scores. The growth score must be weighted at 100%;
- (2) In the second year of attendance, a transfer student's score on a statewide assessment must be weighted at 30% when calculating the district's or charter school's performance for purposes of the district's or charter school's annual performance report status or progress score, with the growth score weighted at 100%;
- (3) In the third year of attendance, a transfer student's score on a statewide assessment must be weighted at 70% when calculating the district's or charter school's performance for purposes of the district's or charter school's annual performance report status or progress score, with the growth score weighted at 100%; and
- (4) In the fourth year of attendance and any subsequent years of attendance, a transfer student's score on a statewide assessment must be weighted at 100% when calculating the district's or charter school's performance for purposes of the district's or charter school's annual performance report status or progress score, with the growth score weighted at 100%.

When performing the requirements of these provisions, if an education authority whose geographic area includes a district that operates an unaccredited school is not coordinating transfers due to insufficient funding or because the Governor has not yet appointed a number of members sufficient to constitute a quorum to the education authority, the department must contract with or collaborate with any organizations it chooses, subject to specified exceptions, in order to coordinate the transfers. The department and the organization or organizations it chooses must fulfill all functions of the education authorities, including the duty to perform the tuition calculation. Any applications for transfers

and any reports of available enrollment slots that the education authorities would have received must be submitted to the department or the organization or organizations it chooses instead.

Beginning in the 2016-17 school year, when performing the requirements of these provisions, neither the department or any education authority can contract with or collaborate with any established regional association or cooperative of school districts located in St. Louis City or St. Louis County. The regional association or cooperative of school districts must not receive any applications for transfers or perform any functions assigned to the education authorities.

REGIONAL EDUCATION AUTHORITIES (Sections 167.830 - 167.845)

The bill establishes three separate regional education authorities 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 specified in the bill, 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, approved charter schools, and local governments for the student transfers.

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 enrolled in districts other than their resident districts and make the data available on the Missouri Comprehensive Data System. Personally identifiable information must not be accessible on the database.

ON-LINE TUTORING SERVICES THROUGH A PUBLIC LIBRARY (Section 170.215)

A school district may enter into a contract with a public library to provide on-line tutoring services through a third-party vendor or a non-profit organization for the district's students. Tutoring services must be conducted through any compatible computer to participating students who have a library card, both within and without the public library facility.

On-line tutoring services may include assistance with homework, collaboration and study tools in specified school subjects, access to comprehensive writing assistance productivity software, and test preparation tools.

A contract may allow participating students with a library card dedicated access to assistance during specified hours of the day and specified days of the week. A contract may allow students to submit questions to tutors or join on-line study groups.

On-line tutoring services must be designed and implemented to protect individual student privacy, prohibit voice communication between the parties, and prohibit face-to-face visual communication. Any employee of a third-party vendor or nonprofit organization with which a public library has contracted for the tutoring services must not solicit personally identifiable information from any participating student.

Any entity offering tutoring services must maintain an archive of all communications between students and tutors for two years.

PARENT PORTALS (Section 170.320)

The bill creates the Parent Portal Fund in the state treasury. Moneys in the fund must be used to assist districts in establishing and maintaining a parent portal. School districts may establish a parent portal that must be accessible by mobile technology for parents to have access to educational information and access to student data.

SCHOOL LEARNING TIME (Section 171.031)

The school board of any unaccredited district, provisionally accredited district, or district that is accredited but has a three-year average annual performance report score consistent with a classification of unaccredited or provisionally accredited, may, by a majority vote, increase the length of the school day and also increase the number of annual instruction hours above the statutory minimum. The bill creates the Extended Learning Time Fund in the state treasury. Moneys in the fund must be used for schools that extend the length of the school day or increase the number of hours of required instruction.

UNOCCUPIED SCHOOL BUILDINGS (Section 177.015)

Each district that owns a building that is not occupied must annually prepare, by March 15, a public document listing the status of each district-owned building that is not occupied. The document must include the address of each building and the annual cost of maintaining it. The district must post this information on its website and make the document available to each district taxpayer. A building will be deemed occupied if it is used for the education of children between the ages of four and 21 for at least three

hours a day for a school term.

CHILDREN'S SERVICES FUND (Section 210.861)

In fiscal years 2016 and 2017, in St. Louis County, if a district has been designated as unaccredited or provisionally accredited, up to 5% of each year's revenues in the Community Children's Services Fund must be devoted to a grant program that delivers services directly to schools in the district as specified in the bill. Any moneys distributed from the fund to a district must be subject to an annual audit. The Community Children's Services Fund board of directors must, in its budget process for the following fiscal year, ensure that the funds needed to provide services based on a needs assessment is allocated as specified in the bill. The board must undertake a needs assessment for any district within 90 days after receipt of a notice of the designation. The needs assessment must be used as a basis for contracting of services. The board must appoint one of its members to a direct school service coordinating committee, and an additional member may be appointed as an ex officio member. The committee must provide recommendations and oversight to the program of contracted services. Any moneys distributed from the fund to a district must be subject to an annual audit. These provision will terminate on June 30, 2017.

BUILDINGS IN UNDERPERFORMING DISTRICTS (Section 1)

By September 1, 2015, the bill requires the St. Louis City School District, the Kansas City School District, and districts in St. Louis County, at any time they are underperforming, to obtain an outside appraisal for any building they own that is vacant and unused for classroom instruction. A district is deemed underperforming when it is unaccredited, provisionally accredited, or has a three-year average annual performance report score that is consistent with a classification of unaccredited or provisionally accredited.

Each district must allow multiple opportunities for prospective purchasers to tour the buildings. A district may reserve 30% of its vacant and unused buildings as franchise buildings. Buildings must be publicly listed for sale between September 1, 2015, and October 1, 2015. Any building that is not sold during the specified time period must be made available for sale at auction as specified in the bill. If a building is not sold, a district may receive moneys from the newly created Reclamation and Demolition Fund to demolish it.

SEVERABILITY (Section 2)

The bill specifies that if any provision of the bill or its application to anyone or to any circumstances is held invalid, the remainder of the provisions or its application must not be affected.

The bill contains an emergency clause.