

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 942, Page 11, Section 161.092, Line 158,
2 by inserting immediately after said section and line the following:

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

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

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

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

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

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

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

27 (a) Appoint a special administrative board for the operation of all or part of the district. If a
28 special administrative board is appointed for the operation of a part of a school district, the state
29 board of education shall determine an equitable apportionment of state and federal aid for the part of
30 the district and the school district shall provide local revenue in proportion to the weighted average
31 daily attendance of the part. The number of members of the special administrative board shall not
32 be less than five, the majority of whom shall be residents of the district. The members of the special
33 administrative board shall reflect the population characteristics of the district and shall collectively
34 possess strong experience in school governance, management and finance, and leadership. The state
35 board of education may appoint members of the district's elected school board to the special
36 administrative board, but members of the elected school board shall not comprise more than forty-

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1 nine percent of the special administrative board's membership. Within fourteen days after the
 2 appointment by the state board of education, the special administrative board shall organize by the
 3 election of a president, vice president, secretary and a treasurer, with their duties and organization as
 4 enumerated in section 162.301. The special administrative board shall appoint a superintendent of
 5 schools to serve as the chief executive officer of the school district, or a subset of schools, and to
 6 have all powers and duties of any other general superintendent of schools in a seven-director school
 7 district. Any special administrative board appointed under this section shall be responsible for the
 8 operation of the district or part of the district until such time that the district is classified by the state
 9 board of education as provisionally accredited for at least two successive academic years, after
 10 which time the state board of education [~~may~~] shall provide for a transition pursuant to section
 11 162.083; [~~or~~]

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

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

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

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

20 d. Annual reports to the general assembly and the governor on the progress towards
 21 accreditation of any district that has been declared unaccredited and is placed under an alternative
 22 form of governance, including a review of the effectiveness of the alternative governance; [~~or~~]

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

25 (d) Establish one or more school districts within the territory of the lapsed district, with a
 26 governance structure specified by the state board of education, with the option of permitting a
 27 district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to
 28 be distributed equitably on a weighted average daily attendance basis, but to be divided for
 29 operational purposes, which shall take effect sixty days after the adjournment of the regular session
 30 of the general assembly next following the state board's decision unless a statute or concurrent
 31 resolution is enacted to nullify the state board's decision prior to such effective date.

32 4. If a district remains under continued governance by the school board under subdivision
 33 (1) of subsection 3 of this section and either has been unaccredited for three consecutive school
 34 years and failed to attain accredited status after the third school year or has been unaccredited for
 35 two consecutive school years and the state board of education determines its academic progress is
 36 not consistent with attaining accredited status after the third school year, [~~then~~] the state board of
 37 education shall proceed under subdivision (2) of subsection 3 of this section in the following school
 38 year.

39 5. A special administrative board or any other form of governance appointed under this
 40 section shall retain the authority granted to a board of education for the operation of the lapsed
 41 school district under the laws of the state in effect at the time of the lapse and may enter into
 42 contracts with accredited school districts or other education service providers in order to deliver
 43 high-quality educational programs to the residents of the district. If a student graduates while
 44 attending a school building in the district that is operated under a contract with an accredited school
 45 district as specified under this subsection, the student shall receive [~~his or her~~] the student's diploma
 46 from the accredited school district. The authority of the special administrative board or any other
 47 form of governance appointed under this section shall expire at the end of the third full school year
 48 following its appointment, unless extended by the state board of education. If the lapsed district is
 49 reassigned, the governing board prior to lapse shall provide an accounting of all funds, assets and

1 liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as
2 determined by the state board of education. Neither the special administrative board nor any other
3 form of governance appointed under this section nor its members or employees shall be deemed to
4 be the state or a state agency for any purpose, including section 105.711[5] et seq. The state of
5 Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts
6 or omissions relating to or in any way involving the lapsed district, a special administrative board,
7 any other form of governance appointed under this section, or the members or employees of the
8 lapsed district, a special administrative board, or any other form of governance appointed under this
9 section. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards
10 of education, their members and their employees shall be available to the special administrative
11 board or any other form of governance appointed under this section and the members and employees
12 of the special administrative board or any other form of governance appointed under this section.

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

17 7. If additional teachers are needed by a district as a result of increased enrollment due to
18 the annexation of territory of a lapsed or dissolved district, such district shall grant an employment
19 interview to any permanent teacher of the lapsed or dissolved district upon the request of such
20 permanent teacher.

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

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

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

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

31 10. The provisions of subsection 9 of this section shall not apply to any district solely on the
32 basis of financial difficulty resulting from paying tuition and providing transportation for transfer
33 students under sections 167.895 and 167.898."; and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.