

SECOND REGULAR SESSION

HOUSE BILL NO. 941

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Pre-filed January 5, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2701L.011

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of district corporate organization.

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

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows:

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021, RSMo, or is classified unaccredited for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned, **or at a later date as determined by the state board of education under the circumstances described in subsection 2 of this section.**

2. If a school district which has been declared unaccredited achieves provisional accreditation within the initial time period before lapse as stated in subsection 1 of this section, the state board of education shall establish a subsequent date, not earlier than one full school year nor more than two full school years after the date on which the district achieves provisional accreditation, after which the provisionally accredited district shall lapse unless it achieves full accreditation before the date set by the state board for lapse.

3. Except as provided in subsection 13 of this section, the territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

17 attached to any district for school purposes by the state board of education[; but no school
18 district, except a district classified as unaccredited pursuant to section 163.023, RSMo, and
19 section 160.538, RSMo, shall lapse where provision is lawfully made for the attendance of the
20 pupils of the district at another school district that is classified as provisionally accredited or
21 accredited by the state board of education].

22 [2. Prior to or at the time any school district in this state shall lapse, but]

23 **4. After the school district has been classified as unaccredited but no later than sixty**
24 **days after the date upon which the district was classified as unaccredited,** the department
25 of elementary and secondary education shall conduct a public hearing **with district officials** at
26 a location in the unaccredited school district **for the purpose of explaining the technical**
27 **assistance that the department is prepared to offer the district, to take public comments**
28 **on the district's preliminary plans to return to accredited status, and to provide**
29 **information to the patrons of the district regarding the continuation of the educational**
30 **programs within the district.** [The purpose of the hearing shall be to:

31 (1) Review any plan by the district to return to accredited status; or

32 (2) Offer any technical assistance that can be provided to the district.

33 **3.] 5. Except as otherwise provided in section 162.1100, [in a metropolitan school**
34 **district or an urban school district containing most or all of a city with a population greater than**
35 **three hundred fifty thousand inhabitants and in any other school district if the local board of**
36 **education does not anticipate a return to accredited status,] the state board of education may**
37 **appoint a special administrative board to [supervise] monitor the financial operations, maintain**
38 **and preserve the financial assets or, if warranted, continue operation of the educational programs**
39 **within the district or what provisions might otherwise be made in the best interest of the**
40 **education of the children of the district. The special administrative board shall consist of two**
41 **persons who are residents of the school district, who shall serve without compensation, and a**
42 **professional administrator, who shall be a resident of Missouri or shall establish a residence**
43 **in Missouri within ninety days of appointment and shall chair the board and [shall] be**
44 **compensated, as determined by the state board of education, in whole or in part with funds from**
45 **the district. A majority of the members of a special administrative board shall be deemed**
46 **to have standing in a court of competent jurisdiction to enjoin any action of the school**
47 **board of the unaccredited district to prevent wastage of the assets of the district.**

48 [4.] **6. Upon lapse of the district, the state board of education may:**

49 (1) Appoint a special administrative board, if such a board has not already been
50 appointed, and authorize the special administrative board to retain the authority granted to a
51 board of education for the operation of all or part of the district;

52 (2) **Within the limits prescribed in subsection 13 of this section,** attach the territory

53 of the lapsed district to another district or districts for school purposes; [or]

54 (3) Establish one or more school districts within the territory of the lapsed district, with
55 a governance structure consistent with the laws applicable to districts of a similar size, with the
56 option of permitting a district to remain intact for the purposes of assessing, collecting, and
57 distributing property taxes, to be distributed equitably on a per eligible pupil basis, but to be
58 divided for operational purposes, which shall take effect sixty days after the adjournment of the
59 regular session of the general assembly next following the state board's decision unless a statute
60 or concurrent resolution is enacted to nullify the state board's decision prior to such effective
61 date; or

62 (4) **Continue operation of the school district under the existing governance**
63 **structure under terms and conditions established by the state board of education.**

64 7. The special administrative board may retain the authority granted to a board of
65 education for the operation of the lapsed school district under the laws of the state in effect at the
66 time of the lapse.

67 [5.] 8. The authority of the special administrative board shall expire at the end of the
68 third full school year following its appointment, unless extended by the state board of education.
69 If the lapsed district is reassigned, the special administrative board shall provide an accounting
70 of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and
71 liabilities of the lapsed district as determined by the state board of education.

72 [6.] 9. Upon recommendation of the special administrative board, the state board of
73 education may assign the funds, assets and liabilities of the lapsed district to another district or
74 districts. Upon assignment, all authority of the special administrative board shall transfer to the
75 assigned districts.

76 [7.] 10. Neither the special administrative board nor any district or other entity assigned
77 territory, assets or funds from a lapsed district shall be considered a successor entity for the
78 purpose of employment contracts, unemployment compensation payment pursuant to section
79 288.110, RSMo, or any other purpose.

80 [8.] 11. If additional teachers are needed by a district as a result of increased enrollment
81 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
82 employment interview to any permanent teacher of the lapsed or dissolved district upon the
83 request of such permanent teacher.

84 [9.] 12. (1) The governing body of a school district, upon an initial declaration by the
85 state board of education that such district is provisionally accredited, may, and, upon an initial
86 declaration by the state board of education that such district is unaccredited, shall develop a plan
87 to be submitted to the voters of the school district to divide the school district if the district
88 cannot attain accreditation within three years of the initial declaration that such district is

89 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
90 presented to the voters of the district before the district lapses. In the case of such a district being
91 declared provisionally accredited, such plan may be presented before the close of the current
92 accreditation cycle.

93 (2) The plan may provide that the school district shall remain intact for the purposes of
94 assessing, collecting and distributing taxes for support of the schools, and the governing body
95 of the district shall develop a plan for the distribution of such taxes equitably on a per pupil basis
96 if the district selects this option.

97 (3) The makeup of the new districts shall be racially balanced as far as the proportions
98 of students allow.

99 (4) If a majority of the district's voters approve the plan, the state board of education
100 shall cooperate with the local board of education to implement the plan, which may include use
101 of the provisions of this section to provide an orderly transition to new school districts and
102 achievement of accredited status for such districts.

103 [10.] **13.** In the event that a school district with an enrollment in excess of five thousand
104 pupils lapses, no school district shall have all or any part of such lapsed school district attached
105 without the approval of the board of the receiving school district.