

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 320
93RD GENERAL ASSEMBLY

Reported from the Committee on Education, May 5, 2005, with recommendation that the Senate Committee Substitute do pass.

0146S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof two new sections relating to education, with a sunset provision.

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

Section A. Section 162.081, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.081 and 167.229, to read as follows: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; **however, if the district has been classified as unaccredited within the previous five school years, and the district is subsequently classified as provisionally accredited, then the district is subject to lapse on June 30 of any school year in which the state board of education withdraws provisional accreditation or at a later date as determined by the state board of education.**

2. The territory theretofore embraced within any district that lapses pursuant to this section or any portion thereof may be attached to any district for school purposes by the state board of education[; but no school district, except a district classified as unaccredited pursuant to section 163.023, RSMo, and section 160.538, RSMo, shall lapse where provision is lawfully made for the attendance of the pupils of the district at another school district that is classified as provisionally accredited or accredited by the state board of education].

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

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

21 3. After the school district has been classified as unaccredited **but at least sixty**
22 **days prior to the initial date of lapse**, the department of elementary and secondary
23 education shall conduct a public hearing at a location in **or near** the unaccredited school
24 district **regarding the continuing operation of the educational programs within**
25 **the lapsed district**. [The purpose of the hearing shall be to:

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

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

28 3.] 4. Except as otherwise provided in section 162.1100, [in a metropolitan school
29 district or an urban school district containing most or all of a city with a population
30 greater than three hundred fifty thousand inhabitants and in any other school district
31 if the local board of education does not anticipate a return to accredited status,] the state
32 board of education may appoint a special administrative board to [supervise] **monitor**
33 the financial operations, maintain and preserve the financial assets or, if warranted,
34 continue operation of the educational programs within the district or what provisions
35 might otherwise be made in the best interest of the education of the children of the
36 district. The special administrative board shall consist of two persons who are residents
37 of the school district, who shall serve without compensation, and a professional
38 administrator, who shall chair the board and shall be compensated, as determined by the
39 state board of education, in whole or in part with funds from the district. **A majority**
40 **of the members of a special administrative board shall be deemed to have**
41 **standing in a court of a competent jurisdiction to enjoin any action of the**
42 **school board of the unaccredited district to prevent wastage of the assets of**
43 **the district**.

44 [4.] 5. Upon lapse of the district, the state board of education may:

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

48 (2) Attach the territory of the lapsed district to another district or districts for
49 school purposes; [or]

50 (3) Establish one or more school districts within the territory of the lapsed
51 district, with a governance structure consistent with the laws applicable to districts of
52 a similar size, with the option of permitting a district to remain intact for the purposes
53 of assessing, collecting, and distributing property taxes, to be distributed equitably on
54 a per eligible pupil basis, but to be divided for operational purposes, which shall take
55 effect sixty days after the adjournment of the regular session of the general assembly

56 next following the state board's decision unless a statute or concurrent resolution is
57 enacted to nullify the state board's decision prior to such effective date; or

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

61 **6.** The special administrative board may retain the authority granted to a board
62 of education for the operation of the lapsed school district under the laws of the state in
63 effect at the time of the lapse.

64 [5.] **7.** The authority of the special administrative board shall expire at the end
65 of the third full school year following its appointment, unless extended by the state board
66 of education. If the lapsed district is reassigned, the special administrative board shall
67 provide an accounting of all funds, assets and liabilities of the lapsed district and
68 transfer such funds, assets, and liabilities of the lapsed district as determined by the
69 state board of education.

70 [6.] **8.** Upon recommendation of the special administrative board, the state board
71 of education may assign the funds, assets and liabilities of the lapsed district to another
72 district or districts. Upon assignment, all authority of the special administrative board
73 shall transfer to the assigned districts.

74 [7.] **9.** Neither the special administrative board nor any district or other entity
75 assigned territory, assets or funds from a lapsed district shall be considered a successor
76 entity for the purpose of employment contracts, unemployment compensation payment
77 pursuant to section 288.110, RSMo, or any other purpose.

78 [8.] **10.** If additional teachers are needed by a district as a result of increased
79 enrollment due to the annexation of territory of a lapsed or dissolved district, such
80 district shall grant an employment interview to any permanent teacher of the lapsed or
81 dissolved district upon the request of such permanent teacher.

82 [9.] **11.** (1) The governing body of a school district, upon an initial declaration
83 by the state board of education that such district is provisionally accredited, may, and,
84 upon an initial declaration by the state board of education that such district is
85 unaccredited, shall develop a plan to be submitted to the voters of the school district to
86 divide the school district if the district cannot attain accreditation within three years of
87 the initial declaration that such district is unaccredited. In the case of such a district
88 being declared unaccredited, such plan shall be presented to the voters of the district
89 before the district lapses. In the case of such a district being declared provisionally
90 accredited, such plan may be presented before the close of the current accreditation cycle.

91 (2) The plan may provide that the school district shall remain intact for the

92 purposes of assessing, collecting and distributing taxes for support of the schools, and
93 the governing body of the district shall develop a plan for the distribution of such taxes
94 equitably on a per pupil basis if the district selects this option.

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

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

101 [10.] 12. In the event that a school district with an enrollment in excess of five
102 thousand pupils lapses, no school district shall have all or any part of such lapsed school
103 district attached without the approval of the board of the receiving school district.

**167.229. 1. The department of elementary and secondary education
2 shall establish a "Model School Wellness Program", and any moneys
3 appropriated by the general assembly for this program shall be used by
4 selected school districts to establish school-based pilot programs that focus
5 on encouraging students to establish and maintain healthy lifestyles. The
6 moneys appropriated shall be from the Child Nutrition and WIC
7 Reauthorization federal grant money. These programs shall include tobacco
8 prevention education and the promotion of balanced dietary patterns and
9 physical activity to prevent becoming overweight or obese, and discussion of
10 serious and chronic medical conditions that are associated with being
11 overweight. The content of these programs shall address state and national
12 standards and guidelines established by the No Child Left Behind Act, the
13 Healthy People 2010 Leading Health Indicators as compiled by the National
14 Center for Health Statistics, and the Produce for Better Health Foundation's
15 "5 A Day, The Color Way" program.**

**16 2. School districts may apply for one-year grants for school year 2005-
17 2006 under this section. The department shall establish selection criteria and
18 methods for distribution of funds to school districts applying for such
19 funds. The department shall promulgate rules to implement the provisions
20 of this section.**

**21 3. A school district that receives a grant under this section shall use
22 the funds to plan and implement the program in a diverse sampling of schools
23 in each district. The programs shall address students' academic success as
24 well as health concerns, and encourage links between the school and home
25 settings to promote active healthy lifestyles across the students' learning**

26 environments. The tobacco prevention initiative shall focus on grades four
27 and five to target students before they transition into middle grades. The
28 obesity prevention programs will cover sequential wellness education across
29 grades kindergarten through fifth grades. These programs shall:

30 (1) Be multidisciplinary, addressing academic standards in language
31 arts, math, and health;

32 (2) Provide multimedia resources that engage the students;

33 (3) Be evidence-based showing successful implementation including
34 positive changes in desired outcomes, such as changes in body mass index or
35 attitudes towards tobacco use;

36 (4) Be able to be integrated in to the core classroom at the elementary
37 level; and

38 (5) Be sustainable and provide open web-based resources to teachers
39 and students across Missouri.

40 4. Hands-on professional development opportunities shall be provided
41 in local districts for the teachers who will be implementing the
42 program. Ongoing support shall be provided to the teachers and schools
43 during the pilot period.

44 5. Following the completion of the 2005-2006 school year, the
45 department shall evaluate the effectiveness of the model school wellness
46 program in increasing knowledge, changing body mass index, improving
47 attitudes and behaviors of students related to nutrition, physical activity, or
48 tobacco use.

49 6. Any rule or portion of a rule, as that term is defined in section
50 536.010, RSMo, that is created under the authority delegated in this section
51 shall become effective only if it complies with and is subject to all of the
52 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
53 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
54 the powers vested with the general assembly pursuant to chapter 536, RSMo,
55 to review, to delay the effective date, or to disapprove and annul a rule are
56 subsequently held unconstitutional, then the grant of rulemaking authority
57 and any rule proposed or adopted after August 28, 2005, shall be invalid and
58 void.

59 7. Pursuant to section 23.353, RSMo, of the Missouri sunset act:

60 (1) The provisions of this section shall automatically sunset six years
61 after the effective date of this section unless reauthorized by an act of the
62 general assembly; and

63 **(2) If such program is reauthorized, the program authorized under this**
64 **section shall automatically sunset twelve years after the effective date of the**
65 **reauthorization of this section; and**

66 **(3) This section shall terminate on September 1 of the calendar year**
67 **immediately following the calendar year in which the program authorized**
68 **under this section is sunset.**

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