

FIRST REGULAR SESSION

HOUSE BILL NO. 994

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NASHEED.

Read 1st time February 27, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2430L.01I

AN ACT

To repeal section 162.1100, RSMo, relating to transitional school districts, with an emergency clause.

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

Section A. Section 162.1100, RSMo, is repealed, to be known as section 162.1100, to
2 read as follows:

3 [162.1100. 1. There is hereby established within each city not within a
4 county a school district to be known as the "Transitional School District of (name
5 of city)", which shall be a body corporate and politic and a subdivision of the
6 state. The transitional school district shall be coterminous with the boundaries
7 of the city in which the district is located. Except as otherwise provided in this
8 section and section 162.621, the transitional school district shall be subject to all
9 laws pertaining to "seven-director districts", as defined in section 160.011,
10 RSMo. The transitional school district shall have the responsibility for
11 educational programs and policies determined by a final judgment of a federal
12 school desegregation case to be needed in providing for a transition of the
13 educational system of the city from control and jurisdiction of a federal court
14 school desegregation order, decree or agreement and such other programs and
15 policies as designated by the governing body of the school district.

16 2. (1) The governing board of the transitional school district shall consist
17 of three residents of the district: one shall be appointed by the governing body
18 of the district, one shall be appointed by the mayor of the city not within a county
and one shall be appointed by the president of the board of aldermen of the city
not within a county. The members of the governing board shall serve without

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

19 compensation for a term of three years, or until their successors have been
20 appointed, or until the transitional district is dissolved or terminated. Any tax
21 approved for the transitional district shall be assigned to the governing body of
22 the school district in a city not within a county after dissolution or termination of
23 the transitional district.

24 (2) In the event that the state board of education shall declare the school
25 district of a city not within a county to be unaccredited, the member of the
26 governing board of the transitional district appointed by the governing body of
27 the district as provided in subdivision (1) of this subsection shall, within ninety
28 days, be replaced by a chief executive officer nominated by the state board of
29 education and appointed by the governor with the advice and consent of the
30 senate. The chief executive officer need not be a resident of the district but shall
31 be a person of recognized administrative ability, shall be paid in whole or in part
32 with funds from the district, and shall have all other powers and duties of any
33 other general superintendent of schools, including appointment of staff. The
34 chief executive officer shall serve for a term of three years or until his successor
35 is appointed or until the transitional district is dissolved or terminated. His salary
36 shall be set by the state board of education.

37 3. In the event that the school district loses its accreditation, upon the
38 appointment of a chief executive officer, any powers granted to any existing
39 school board in a city not within a county on or before August 28, 1998, shall be
40 vested with the special administrative board of the transitional school district
41 containing such school district so long as the transitional school district exists,
42 except as otherwise provided in section 162.621.

43 4. The special administrative board's powers and duties shall include:

44 (1) Creating an academic accountability plan, taking corrective action in
45 underperforming schools, and seeking relief from state-mandated programs;

46 (2) Exploration of alternative forms of governance for the district;

47 (3) Authority to contract with nonprofit corporations to provide for the
48 operation of schools;

49 (4) Oversight of facility planning, construction, improvement, repair,
50 maintenance and rehabilitation;

51 (5) Authority to establish school site councils to facilitate site-based
52 school management and to improve the responsiveness of the schools to the
53 needs of the local geographic attendance region of the school;

54 (6) Authority to submit a proposal to district voters pursuant to section
55 162.666 regarding establishment of neighborhood schools.

56 5. (1) The provisions of a final judgment as to the state of Missouri and
57 its officials in a school desegregation case which subjects a district in which a
58 transitional district is located in this state to a federal court's jurisdiction may
59 authorize or require the governing body of a transitional school district
60 established under this section to establish the transitional district's operating levy
61 for school purposes, as defined pursuant to section 163.011, RSMo, at a level not

to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax.

(2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this subsection shall:

(a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant to sections 99.700 to 99.715, RSMo; and

(b) Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to such tax increment financing.

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade

level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the

146 dissolved transitional school district unless such transitional school district is
147 reestablished by the state board of education pursuant to this section.]
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Section B. Because immediate action is necessary to address issues arising from the
2 establishment of the transitional school district in St. Louis City, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.

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