

FIRST REGULAR SESSION

# HOUSE BILL NO. 1224

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor) AND NIEVES (Co-sponsor).

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2389L.02I

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### AN ACT

To repeal section 162.1100, RSMo, and to enact in lieu thereof one new section relating to education, with an emergency clause.

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

Section A. Section 162.1100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.1100, RSMo, to read as follows:

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

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body 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

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.

16 governing board shall serve without compensation for a term of three years, or until their  
17 successors have been appointed, or until the transitional district is dissolved or terminated. Any  
18 tax approved for the transitional district shall be assigned to the governing body of the school  
19 district in a city not within a county after dissolution or termination of the transitional district.

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

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

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

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

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

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

42 (4) Oversight of facility planning, construction, improvement, repair, maintenance and  
43 rehabilitation;

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

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

49 5. (1) The provisions of a final judgment as to the state of Missouri and its officials in  
50 a school desegregation case which subjects a district in which a transitional district is located in  
51 this state to a federal court's jurisdiction may authorize or require the governing body of a

52 transitional school district established under this section to establish the transitional district's  
53 operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not  
54 to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales  
55 tax equivalent amount as determined by the department of elementary and secondary education  
56 which may be substituted for all or part of such property tax.

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

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

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

66 (3) The transitional school district shall not be subject to the provisions of section  
67 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a  
68 minimum value of operating levy or any consequences provided by law for failure to levy at least  
69 such minimum rate. No operating levy or increase in the operating levy or sales tax established  
70 pursuant to this section shall be collected for a transitional school district unless prior approval  
71 is obtained from a simple majority of the district's voters. The board of the transitional district  
72 shall place the matter before the voters prior to March 15, 1999.

73 6. (1) The special administrative board established in this section shall develop,  
74 implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall  
75 be subject to review and approval of the state board of education. The plan shall ensure that all  
76 students meet or exceed grade-level standards established by the state board of education  
77 pursuant to section 160.514, RSMo;

78 (2) The special administrative board shall establish student performance standards  
79 consistent with the standards established by the state board of education pursuant to section  
80 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to  
81 review and approval of the state board of education for the purpose of determining whether the  
82 standards are consistent with standards established by the state board of education pursuant to  
83 section 160.514, RSMo;

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

87 (4) No student shall be promoted to a higher grade level unless that student has a reading  
88 ability at or above one grade level below the student's grade level; except that the provisions of  
89 this subsection shall not apply to students receiving special education services pursuant to  
90 sections 162.670 to 162.999;

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

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

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

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

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

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

113 12. The transitional school district in any city not within a county shall be dissolved on  
114 July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the  
115 transitional district to continue to accomplish the purposes for which it was created. The state  
116 board of education may cause the termination of the transitional school district at any time upon  
117 a determination that the transitional district has accomplished the purposes for which it was  
118 established and is no longer needed. The state board of education may cause the reestablishment  
119 of the transitional school district at any time upon a determination that it is necessary for the  
120 transitional district to be reestablished to accomplish the purposes established in this section.  
121 The state board of education shall provide notice to the governor and general assembly of the  
122 termination or reestablishment of the transitional school district and the termination or

123 reestablishment shall become effective thirty days following such determination. Upon  
124 dissolution of a transitional school district pursuant to this section, nothing in this section shall  
125 be construed to reduce or eliminate any power or duty of any school district or districts  
126 containing the territory of the dissolved transitional school district unless such transitional school  
127 district is reestablished by the state board of education pursuant to this section.

Section B. Because immediate action is necessary to clarify the powers of the transitional  
2 school district's boards and the metropolitan school district's boards, section A of this act is  
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,  
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section  
5 A of this act shall be in full force and effect upon its passage and approval.

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