

SECOND REGULAR SESSION

# HOUSE BILL NO. 2553

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES STREAM (Sponsor), FISHER, SCHAAF, THOMSON, GRISAMORE, QUINN (7), SCHOELLER, COX, RUZICKA, KASTEN, FUNDERBURK, SCHARNHORST, SCHAD, EL-AMIN, WALLACE AND SCHNEIDER (Co-sponsors).

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3896L.011

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### AN ACT

To repeal sections 162.1100, 168.211, 168.261, and 168.291, RSMo, and to enact in lieu thereof three new sections relating to school improvement.

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

Section A. Sections 162.1100, 168.211, 168.261, and 168.291, RSMo, are repealed and  
2 three new sections enacted in lieu thereof, to be known as sections 162.1100, 168.211, and  
3 168.291, to read as follows:

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

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.

12           2. (1) The governing board of the transitional school district shall consist of three  
13 residents of the district: one shall be appointed by the governing body of the district, one shall  
14 be appointed by the mayor of the city not within a county and one shall be appointed by the  
15 president of the board of aldermen of the city not within a county. The members of the  
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 the  
34 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; **and**

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  
88 reading ability at or above one grade level below the student's grade level;] **Every student in**  
89 **kindergarten through third grade shall be placed in a reading program and a math**  
90 **program until the student reaches grade level performance**, except that the provisions of this  
91 subsection shall not apply to students receiving special education services pursuant to sections  
92 162.670 to 162.999;

93 (5) The special administrative board established in this section shall develop, implement  
94 and annually update a professional development plan for teachers and other support staff,  
95 **including a performance-based evaluation and assessment program**, subject to review and  
96 approval of the state board of education. **The board shall earmark funds for principal**  
97 **training to assist in readying principals to be building educational leaders and to accept**  
98 **additional administrative responsibility, including the hiring and evaluation of teachers**  
99 **and other staff, as the district moves to a decentralized structure.**

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

109 8. To the extent practicable, the special administrative board shall ensure that per pupil  
110 expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given  
111 grade level. **The special administrative board shall earmark funds for literacy and**  
112 **numeracy programs in kindergarten through grade three.**

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

115 10. The special administrative board shall ensure that vocational education instruction  
116 is provided within the district. **The board shall earmark funds for alternative schools for the**  
117 **purposes set out in section 167.322, RSMo.**

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

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

          168.211. 1. In metropolitan districts the superintendent of schools shall be appointed  
2 by the board of education for a term of [one to] **no more than** five years[, during which term his  
3 compensation shall not be reduced. The superintendent of schools may appoint, with the  
4 approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the  
5 pleasure of the superintendent of schools and as many associate and assistant superintendents as  
6 he deems necessary, whose compensation shall be fixed by the board. The superintendent of  
7 schools shall give bond in the sum that the board requires but not less than fifty thousand  
8 dollars]. No employee or agent of the board shall be a member of the board.

9           2. The superintendent of schools shall have general supervision, subject to policies  
10 established by the board, of the school system, including its [various departments and physical  
11 properties,] courses of instruction, discipline and conduct of the schools, textbooks and studies.  
12 All appointments, promotions and transfers of teachers and all other employees, and introduction  
13 and changes of textbooks and apparatus, shall be [made by the superintendent with the approval  
14 of the board] **upon the initial recommendation of the principal of the building to which the**  
15 **teacher or employee is assigned, and the approval of the superintendent.** All appointments  
16 and promotions of teachers and all other employees shall be made upon the basis of merit[, to  
17 be ascertained, as far as practicable, in cases of appointment, by examination, and in cases of  
18 promotion, by length and character of service. Examinations for appointment shall be conducted

19 by the superintendent under regulations to be made by the board. He shall make such reports to  
20 the board that it directs or the rules provide]. **The superintendent shall hire the**  
21 **administrative staff.**

22 [3. The superintendent of schools shall have general supervision, subject to policies  
23 established by the board, of all school buildings, apparatus, equipment and school grounds and  
24 of their construction, installation, operation, repair, care and maintenance; the purchasing of all  
25 supplies and equipment; the operation of the school lunchrooms; the administration of  
26 examinations for the appointment and promotion of all employees of the school system; and the  
27 preparation and administration of the annual budget for the school system. Subject to the  
28 approval of the board of education as to number and salaries, the superintendent may appoint as  
29 many employees as are necessary for the proper performance of his duties.

30 4. The board may grant a leave of absence to the superintendent of schools, and may  
31 remove him from office by vote of a majority of its members.

32 5. Should the superintendent hire a commissioner of school buildings, said person shall  
33 be a person qualified by reason of education, experience and general familiarity with buildings  
34 and personnel to assume the following responsibilities and duties. Subject to the control of the  
35 superintendent of schools, he shall exercise supervision over all school buildings, machinery,  
36 heating systems, equipment, school grounds and other buildings and premises of the board of  
37 education and the construction, installation, operation, repair, care and maintenance related  
38 thereto and the personnel connected therewith; the purchasing of building supplies and  
39 equipment and such other duties as may be assigned to him by board rules or regulations.]

168.291. Whenever it is necessary to decrease the number of employees because of  
2 insufficient funds or decrease in pupil enrollment or lack of work the board of education may  
3 cause the necessary number of employees, beginning with those serving probationary periods,  
4 to be placed on leave of absence without pay[, but only in the inverse order of their appointment.  
5 Each employee placed on leave of absence shall be reinstated in inverse order of his placement  
6 on leave of absence. Such reemployment shall not result in a loss of status or credit for previous  
7 periods of service. No new appointments shall be made while there are available employees on  
8 leave of absence who have not attained the age of seventy years and who are adequately qualified  
9 to fill the vacancy in the particular department unless the employees fail to advise the board  
10 within thirty days from date of notification by the board that positions are available to them, that  
11 they will return to employment, and will assume the duties of the position to which they are  
12 appointed not later than the beginning of the month following the date of the notice by the  
13 board].

2 [168.261. A director of personnel may be appointed by the  
3 superintendent of schools subject to the approval of the board of education of the  
metropolitan school district. The director of personnel shall be a member of a

4        personnel committee representing certificated and noncertificated employees, the  
5        committee to be appointed in the manner that the rules of the board of education  
6        provide.]

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