

SECOND REGULAR SESSION

HOUSE BILL NO. 2589

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WRIGHT-JONES (Sponsor) AND HAYWOOD (Co-sponsor).

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

D. ADAM CRUMBLISS, Chief Clerk

5434L.02I

AN ACT

To repeal sections 162.581 and 162.1100, RSMo, and to enact in lieu thereof two new sections relating to school board membership.

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

Section A. Sections 162.581 and 162.1100, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 162.581 and 162.1100, to read as follows:

162.581. 1. The members of the board of education shall be elected from the city, as
2 provided in section 162.601, on a general ticket, and shall be at least twenty-four years of age,
3 citizens and residents of the city, and shall have been residents and citizens for at least three
4 years immediately preceding their election. They shall not hold any office, except that of notary
5 public, in the city or state, nor be interested in any contract with or claim against the board, either
6 directly or indirectly. **Notwithstanding any other law, no board member elected under this**
7 **section shall be appointed to serve concurrently as a member of the governing board for**
8 **a transitional school district.** If at any time after the election of any member of the board he
9 becomes interested in any contract with or claim against the board, either directly or indirectly,
10 or as agent or employee of any individual, firm or corporation, which is so interested, he shall
11 thereupon be disqualified to continue as a member of the board, and shall continue to be so
12 disqualified during the remainder of the term for which he was elected.

13 2. Every member of the board, before assuming the duties of his office, shall take oath
14 before a circuit or associate circuit judge of the city, which oath shall be kept of record in the
15 office of the board, that he possesses all the qualifications required by this section, and that he

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 will not, while serving as a member of the board, become interested in any contract with or claim
17 against the board, directly or indirectly, or as agent or employee of any individual, firm or
18 corporation which is so interested, and that he will not be influenced, during his term of office,
19 by any consideration except that of merit and fitness in the appointment of officers and the
20 engagement of employees.

21 3. No compensation shall be paid to the members of the board, but they are exempt from
22 service as election officers during the term of office.

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.

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. **Notwithstanding any other**
16 **law, no resident appointed to the governing board shall serve concurrently as a member**
17 **of the school board for the metropolitan district.** The members of the governing board shall
18 serve without compensation for a term of three years, or until their successors have been
19 appointed, or until the transitional district is dissolved or terminated. Any tax approved for the
20 transitional district shall be assigned to the governing body of the school district in a city not
21 within a county after dissolution or termination of the transitional district.

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

30 including appointment of staff. The chief executive officer shall serve for a term of three years
31 or until his successor is appointed or until the transitional district is dissolved or terminated. His
32 salary shall be set by the state board of education.

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

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

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

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

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

44 (4) Oversight of facility planning, construction, improvement, repair, maintenance and
45 rehabilitation;

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

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

51 5. (1) The provisions of a final judgment as to the state of Missouri and its officials in
52 a school desegregation case which subjects a district in which a transitional district is located in
53 this state to a federal court's jurisdiction may authorize or require the governing body of a
54 transitional school district established under this section to establish the transitional district's
55 operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not
56 to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales
57 tax equivalent amount as determined by the department of elementary and secondary education
58 which may be substituted for all or part of such property tax.

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

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

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

66 adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to
67 such tax increment financing.

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

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

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

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

89 (4) No student shall be promoted to a higher grade level unless that student has a reading
90 ability at or above one grade level below the student's grade level; except that the provisions of
91 this subsection shall not apply to students receiving special education services pursuant to
92 sections 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, subject
95 to review and approval of the state board of education.

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

102 enrolled for the remainder of their education at grade levels served by that school, and
103 transportation shall be provided by the district to allow such students to continue to attend such
104 school of initial enrollment.

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

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

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

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

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

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