

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 488

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), SCHARNHORST, POLLOCK, WETER,
WILSON (119), McGHEE, WALLACE, STEVENSON AND WELLS (Co-sponsors).

1081L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to school accreditation.

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

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows: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 **on a date determined by the state board of education**. The corporate organization of any school district that is classified as unaccredited shall lapse [on] **not prior to** June thirtieth of the second full school year of such unaccredited classification after the school year during which the unaccredited classification is initially assigned. 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.

2. Prior to or at the time any school district in this state shall lapse, but after the school district has been classified as unaccredited, the department of elementary and secondary

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 education shall conduct a public hearing at a location in the unaccredited school district[. The
17 purpose of the hearing shall be to:

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

19 (2) Offer any technical assistance that can be provided to the district.] **regarding the**
20 **accreditation status of the school district.**

21 3. Except as otherwise provided in section 162.1100, in a metropolitan school district
22 or an urban school district containing most or all of a city with a population greater than three
23 hundred fifty thousand inhabitants and in any other school district if the local board of education
24 does not anticipate a return to accredited status, the state board of education may appoint a
25 special administrative board to supervise the financial operations, maintain and preserve the
26 financial assets or, if warranted, continue operation of the educational programs within the
27 district or what provisions might otherwise be made in the best interest of the education of the
28 children of the district. The special administrative board shall consist of two persons who are
29 residents of the school district, who shall serve without compensation, and a professional
30 administrator, who shall chair the board and shall be compensated, as determined by the state
31 board of education, in whole or in part with funds from the district.

32 4. Upon lapse of the district, the state board of education may:

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

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

38 (3) Establish one or more school districts within the territory of the lapsed district, with
39 a governance structure consistent with the laws applicable to districts of a similar size, with the
40 option of permitting a district to remain intact for the purposes of assessing, collecting, and
41 distributing property taxes, to be distributed equitably on a weighted average daily attendance
42 basis, but to be divided for operational purposes, which shall take effect sixty days after the
43 adjournment of the regular session of the general assembly next following the state board's
44 decision unless a statute or concurrent resolution is enacted to nullify the state board's decision
45 prior to such effective date; **or**

46 (4) **Allow continued governance by the existing school district board of education**
47 **under terms and conditions established by the state board of education.** The special
48 administrative board may retain the authority granted to a board of education for the operation
49 of the lapsed school district under the laws of the state in effect at the time of the lapse.

50 5. The authority of the special administrative board shall expire at the end of the third
51 full school year following its appointment, unless extended by the state board of education. If

52 the lapsed district is reassigned, the special administrative board shall provide an accounting of
53 all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities
54 of the lapsed district as determined by the state board of education.

55 6. Upon recommendation of the special administrative board, the state board of
56 education may assign the funds, assets and liabilities of the lapsed district to another district or
57 districts. Upon assignment, all authority of the special administrative board shall transfer to the
58 assigned districts.

59 7. Neither the special administrative board nor any district or other entity assigned
60 territory, assets or funds from a lapsed district shall be considered a successor entity for the
61 purpose of employment contracts, unemployment compensation payment pursuant to section
62 288.110, RSMo, or any other purpose.

63 8. If additional teachers are needed by a district as a result of increased enrollment due
64 to the annexation of territory of a lapsed or dissolved district, such district shall grant an
65 employment interview to any permanent teacher of the lapsed or dissolved district upon the
66 request of such permanent teacher.

67 9. (1) The governing body of a school district, upon an initial declaration by the state
68 board of education that such district is provisionally accredited, may, and, upon an initial
69 declaration by the state board of education that such district is unaccredited, shall develop a plan
70 to be submitted to the voters of the school district to divide the school district if the district
71 cannot attain accreditation within three years of the initial declaration that such district is
72 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
73 presented to the voters of the district before the district lapses. In the case of such a district being
74 declared provisionally accredited, such plan may be presented before the close of the current
75 accreditation cycle.

76 (2) The plan may provide that the school district shall remain intact for the purposes of
77 assessing, collecting and distributing taxes for support of the schools, and the governing body
78 of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis
79 if the district selects this option.

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

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

86 10. In the event that a school district with an enrollment in excess of five thousand pupils
87 lapses, no school district shall have all or any part of such lapsed school district attached without
88 the approval of the board of the receiving school district.

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