

SECOND REGULAR SESSION

HOUSE BILL NO. 1374

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NETH (Sponsor) AND TALBOY (Co-sponsor).

4555L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.518, 162.081, 162.471, and 167.131, RSMo, and to enact in lieu thereof five new sections relating to school accreditation, with an emergency clause.

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

Section A. Sections 160.518, 162.081, 162.471, and 167.131, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 160.518, 162.081, 162.471,
3 162.555, and 167.131, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board
2 of education shall develop a statewide assessment system that provides maximum flexibility for
3 local school districts to determine the degree to which students in the public schools of the state
4 are proficient in the knowledge, skills, and competencies adopted by such board pursuant to
5 subsection 1 of section 160.514. The statewide assessment system shall assess problem solving,
6 analytical ability, evaluation, creativity, and application ability in the different content areas and
7 shall be performance-based to identify what students know, as well as what they are able to do,
8 and shall enable teachers to evaluate actual academic performance. The assessment system shall
9 neither promote nor prohibit rote memorization and shall not include existing versions of tests
10 approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such
11 tests. The statewide assessment shall measure, where appropriate by grade level, a student's
12 knowledge of academic subjects including, but not limited to, reading skills, writing skills,
13 mathematics skills, world and American history, forms of government, geography and science.
14 2. The assessment system shall only permit the academic performance of students in each
15 school in the state to be tracked against prior academic performance in the same school.

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 3. The state board of education shall suggest criteria for a school to demonstrate that its
17 students learn the knowledge, skills and competencies at exemplary levels worthy of imitation
18 by students in other schools in the state and nation. Exemplary levels shall be measured by the
19 assessment system developed pursuant to subsection 1 of this section, or until said assessment
20 is available, by indicators approved for such use by the state board of education. The provisions
21 of other law to the contrary notwithstanding, the commissioner of education may, upon request
22 of the school district, present a plan for the waiver of rules and regulations to any such school,
23 to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4
24 of this section.

25 4. For any school that meets the criteria established by the state board of education for
26 three successive school years pursuant to the provisions of subsection 3 of this section, by
27 August first following the third such school year, the commissioner of education shall present
28 a plan to the superintendent of the school district in which such school is located for the waiver
29 of rules and regulations to promote flexibility in the operations of the school and to enhance and
30 encourage efficiency in the delivery of instructional services. The provisions of other law to the
31 contrary notwithstanding, the plan presented to the superintendent shall provide a summary
32 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the
33 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail
34 a means for the waiver of requirements otherwise imposed on the school related to the authority
35 of the state board of education to classify school districts pursuant to subdivision (9) of section
36 161.092 and such other rules and regulations as determined by the commissioner of education,
37 excepting such waivers shall be confined to the school and not other schools in the district unless
38 such other schools meet the criteria established by the state board of education consistent with
39 subsection 3 of this section and the waivers shall not include the requirements contained in this
40 section and section 160.514. Any waiver provided to any school as outlined in this subsection
41 shall be void on June thirtieth of any school year in which the school fails to meet the criteria
42 established by the state board of education consistent with subsection 3 of this section.

43 5. **(1)** The score on any assessment test developed pursuant to this section or this chapter
44 of any student for whom English is a second language shall not be counted until such time as
45 such student has been educated for three full school years in a school in this state, or in any other
46 state, in which English is the primary language.

47 **(2) The score on any assessment test developed under this section or this chapter**
48 **of any student who:**

49 **(a) Moves to an accredited district from a district that has been declared**
50 **unaccredited;**

51 **(b) Resides in a district that has been declared unaccredited but attends school in**
52 **a different district under section 167.131; or**

53 **(c) Resides in an area of an accredited district that is annexed into an accredited**
54 **or a provisionally accredited district**

55 **shall not be counted towards the assessment performance of the district the student is**
56 **attending until such time as the student has been educated for three full school years in the**
57 **school district.**

58 6. The state board of education shall identify or, if necessary, establish one or more
59 developmentally appropriate alternate assessments for students who receive special educational
60 services, as that term is defined pursuant to section 162.675. In the development of such
61 alternate assessments, the state board shall establish an advisory panel consisting of a majority
62 of active special education teachers and other education professionals as appropriate to research
63 available assessment options. The advisory panel shall attempt to identify preexisting
64 developmentally appropriate alternate assessments but shall, if necessary, develop alternate
65 assessments and recommend one or more alternate assessments for adoption by the state board.
66 The state board shall consider the recommendations of the advisory council in establishing such
67 alternate assessment or assessments. Any student who receives special educational services, as
68 that term is defined pursuant to section 162.675, shall be assessed by an alternate assessment
69 established pursuant to this subsection upon a determination by the student's individualized
70 education program team that such alternate assessment is more appropriate to assess the student's
71 knowledge, skills and competencies than the assessment developed pursuant to subsection 1 of
72 this section. The alternate assessment shall evaluate the student's independent living skills,
73 which include how effectively the student addresses common life demands and how well the
74 student meets standards for personal independence expected for someone in the student's age
75 group, sociocultural background, and community setting.

76 7. The state board of education shall also develop recommendations regarding alternate
77 assessments for any military dependent who relocates to Missouri after the commencement of
78 a school term, in order to accommodate such student while ensuring that he or she is proficient
79 in the knowledge, skills, and competencies adopted under section 160.514.

80 8. Notwithstanding the provisions of subsections 1 to 7 of this section, no later than June
81 30, 2006, the state board of education shall administer the following adjustments to the statewide
82 assessment system:

83 (1) Align the performance standards of the statewide assessment system so that such
84 indicators meet, but do not exceed, the performance standards of the National Assessment of
85 Education Progress (NAEP) exam;

86 (2) Institute yearly examination of students in the required subject areas where compelled
87 by existing federal standards, as of August 28, 2004; and

88 (3) Administer any other adjustments that the state board of education deems necessary
89 in order to aid the state in satisfying existing federal requirements, as of August 28, 2004,
90 including, but not limited to, the requirements contained in the federal No Child Left Behind Act.
91 Grade-level expectations shall be considered when the state board of education establishes
92 performance standards.

93 9. By July 1, 2006, the state board of education shall examine its rules and regulations
94 and revise them to permit waivers of resource and process standards based upon achievement
95 of performance profiles consistent with accreditation status.

162.081. 1. Whenever any school district in this state fails or refuses in any school year
2 to provide for the minimum school term required by section 163.021 or is classified unaccredited
3 [for two successive school years] by the state board of education, its corporate organization shall
4 lapse **on a date determined by the state board of education. The state board of education,**
5 **in setting the date for lapse, may establish the conditions under which the existing school**
6 **district board shall continue to govern, or determine an alternative governing structure for**
7 **the district.** [The corporate organization of any school district that is classified as unaccredited
8 shall lapse on June thirtieth of the second full school year of such unaccredited classification
9 after the school year during which the unaccredited classification is initially assigned. The
10 territory theretofore embraced within any district that lapses pursuant to this section or any
11 portion thereof may be attached to any district for school purposes by the state board of
12 education; but no school district, except a district classified as unaccredited pursuant to section
13 163.023 and section 160.538 shall lapse where provision is lawfully made for the attendance of
14 the pupils of the district at another school district that is classified as provisionally accredited or
15 accredited by the state board of education.]

16 2. Prior to or at the time any school district in this state shall lapse, [but after the school
17 district has been classified as unaccredited,] the department of elementary and secondary
18 education shall conduct a public hearing at a location in the unaccredited school district
19 **regarding the accreditation status of the school district.** [The purpose of the hearing shall be
20 to:

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

22 (2) Offer any technical assistance that can be provided to the district.

23 3. Except as otherwise provided in section 162.1100, in a metropolitan school district
24 or an urban school district containing most or all of a city with a population greater than three
25 hundred fifty thousand inhabitants and in any other school district if the local board of education
26 does not anticipate a return to accredited status, the state board of education may appoint a

27 special administrative board to supervise the financial operations, maintain and preserve the
28 financial assets or, if warranted, continue operation of the educational programs within the
29 district or what provisions might otherwise be made in the best interest of the education of the
30 children of the district. The special administrative board shall consist of two persons who are
31 residents of the school district, who shall serve without compensation, and a professional
32 administrator, who shall chair the board and shall be compensated, as determined by the state
33 board of education, in whole or in part with funds from the district.

34 4.] **3.** Upon lapse of the district, the state board of education may:

35 (1) Appoint a special administrative board, [if such a board has not already been
36 appointed, and authorize the special administrative board to retain the authority granted to a
37 board of education] **determining the number of members and specifying the board's duties**
38 for the operation of all or part of the district;

39 (2) **Determine an alternative governing structure for the district, including at a**
40 **minimum:**

41 (a) **A rationale for the decision to use an alternative form of governance and in the**
42 **absence of the district's achievement of full accreditation, the state board of education shall**
43 **review and recertify the alternative form of governance every three years;**

44 (b) **A method for the residents of the district after a stated period of time or upon**
45 **achievement of specified academic objectives to either validate and continue the alternative**
46 **form of governance or return to governance of the district by the elected board of**
47 **education;**

48 (c) **Expectations for progress on academic achievement, which shall include an**
49 **anticipated timeline for the district to reach full accreditation; and**

50 (d) **Annual reports to the general assembly and the governor on the progress**
51 **towards accreditation of any district that has been declared unaccredited and is placed**
52 **under an alternative form of governance, including a review of the effectiveness of the**
53 **alternative governance;**

54 (3) Attach the territory of the lapsed district to another district or districts for school
55 purposes; or

56 [(3)] (4) Establish one or more school districts within the territory of the lapsed district,
57 with a governance structure [consistent with the laws applicable to districts of a similar size]
58 **specified by the state board of education**, with the option of permitting a district to remain
59 intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed
60 equitably on a weighted average daily attendance basis, but to be divided for operational
61 purposes, which shall take effect sixty days after the adjournment of the regular session of the
62 general assembly next following the state board's decision unless a statute or concurrent

63 resolution is enacted to nullify the state board's decision prior to such effective date. [The special
64 administrative board may retain the authority granted to a board of education for the operation
65 of the lapsed school district under the laws of the state in effect at the time of the lapse.]

66 [5.] 4. The authority of the special administrative board shall expire at the end of the
67 third full school year following its appointment, unless extended by the state board of education.
68 If the lapsed district is reassigned, the special administrative board shall provide an accounting
69 of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and
70 liabilities of the lapsed district as determined by the state board of education.

71 [6. Upon recommendation of the special administrative board, the state board of
72 education may assign the funds, assets and liabilities of the lapsed district to another district or
73 districts. Upon assignment, all authority of the special administrative board shall transfer to the
74 assigned districts.

75 [7.] 5. Neither the special administrative board nor any district or other entity assigned
76 territory, assets or funds from a lapsed district shall be considered a successor entity for the
77 purpose of employment contracts, unemployment compensation payment pursuant to section
78 288.110, or any other purpose.

79 [8.] 6. If additional teachers are needed by a district as a result of increased enrollment
80 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
81 employment interview to any permanent teacher of the lapsed or dissolved district upon the
82 request of such permanent teacher.

83 [9. (1) The governing body of a school district, upon an initial declaration by the state
84 board of education that such district is provisionally accredited, may, and, upon an initial
85 declaration by the state board of education that such district is unaccredited, shall develop a plan
86 to be submitted to the voters of the school district to divide the school district if the district
87 cannot attain accreditation within three years of the initial declaration that such district is
88 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
89 presented to the voters of the district before the district lapses. In the case of such a district being
90 declared provisionally accredited, such plan may be presented before the close of the current
91 accreditation cycle.

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

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

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

102 10.] 7. In the event that a school district with an enrollment in excess of five thousand
103 pupils lapses, no school district shall have all or any part of such lapsed school district attached
104 without the approval of the board of the receiving school district.

162.471. **1. Except as provided in subsection 2 of this section,** the government and
2 control of an urban school district is vested in a board of seven directors, except that in urban
3 districts containing the greater part of a city of more than three hundred thousand inhabitants the
4 board shall be composed of nine directors. Each director shall be a voter of the district, who has
5 resided within this state for one year next preceding his **or her** election or appointment and who
6 is at least twenty-four years of age. All directors, except as otherwise provided in section
7 162.481, hold their offices for six years and until their successors are duly elected and qualified.
8 All vacancies occurring in the board shall be filled by appointment by the board as soon as
9 practicable, and the person appointed shall hold his **or her** office until the next school board
10 election, when his **or her** successor shall be elected for the remainder of the unexpired term. The
11 power of the board to perform any official duty during the existence of a vacancy continues
12 unimpaired thereby.

13 **2. In an urban school district containing the greater part of a city of at least four**
14 **hundred thousand inhabitants, the elected board of directors shall maintain governance**
15 **of the district as provided by law unless and until a second declaration of unaccredited**
16 **status of the district is made by the state board of education, at which time governance**
17 **shall be transferred to the authority of the transformational school district described in**
18 **subsection 2 of section 162.555. The transformational district shall continue in existence**
19 **unless and until the voters of the school district approve a return to the governance of the**
20 **elected board under sections 162.471 and 162.511, as described in subsection 6 of section**
21 **162.555.**

162.555. **1. There is hereby established a school district to be known as the**
2 **"Transformational School District of (name of city)", which shall be a body corporate and**
3 **politic and a subdivision of the state. The transformational school district shall be**
4 **coterminous with the boundaries of an urban district located within a city with more than**
5 **four hundred thousand inhabitants that has twice been declared as unaccredited within**
6 **a period of fifteen years. Except as otherwise provided in this section and sections 162.469**
7 **and 162.471, the transformational school district shall be subject to all laws pertaining to**
8 **"urban districts" as defined in section 160.011.**

9 **2. (1) The governing authority of the transformational school district shall reside**
10 **in the city with the largest population with territory in the school district. The mayor shall**
11 **appoint and may dismiss, with the approval of the state board of education, a chief**
12 **executive officer.**

13 **(2) The chief executive officer need not be a resident of the district or a certified**
14 **educator but shall be a person of recognized administrative ability, shall be paid in whole**
15 **or in part with funds from the district, and shall have all other powers and duties of any**
16 **other general superintendent of schools, including appointment of staff. The chief**
17 **executive officer shall select in collaboration with the mayor the following two officers:**

18 **(a) The chief academic officer, who shall be an educator and shall have**
19 **responsibility for issues directly relating to student achievement; and**

20 **(b) The chief financial officer, who shall have extensive experience in school finance**
21 **and business.**

22 **3. In the event that an urban school district as described in subsection 1 of this**
23 **section loses its accreditation, upon the appointment of a chief executive officer, any**
24 **powers granted to any existing school board of that district on or before August 28, 2011,**
25 **shall be vested with the transformational school district containing such school district so**
26 **long as the transformational school district exists.**

27 **4. The powers and duties of the transformational school district shall include but**
28 **not be limited to:**

29 **(1) Taking corrective action in underperforming schools;**

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

31 **(3) Oversight of facility planning, construction, improvement, repair, maintenance,**
32 **rehabilitation, closing, repurposing, and disposal; and**

33 **(4) Authority to establish a parent advisory council to improve the responsiveness**
34 **of the schools to the needs of the local geographic attendance region of the school. The**
35 **parent advisory council shall consist of a representative from each school, who shall meet**
36 **monthly with the parents of the school's students and closely communicate with the staff**
37 **and parents. The parents advisory council shall elect an executive board with a chair, vice**
38 **chair, secretary, and treasurer. The council shall meet monthly to report school concerns**
39 **and discuss and identify specific recommendations to resolve issues. The chair of the**
40 **council shall meet monthly with the chief executive officer.**

41 **5. The transformational school district shall not be subject to the provisions of**
42 **section 162.081, or sections 163.021 and 163.023, with respect to any requirements to**
43 **maintain a minimum value of operating levy or any consequences provided by law for**
44 **failure to levy at least such minimum rate in its own name. The transformational district**

45 shall assume the powers of the board of the urban district with regard to the levying of
46 taxes for the district that is coterminous with the transformational district.

47 **6. (1) No later than seventy-five days before the general election held in the first**
48 **even-numbered year occurring at least four years after the date it assumed governance of**
49 **the school district under this section, the transformational district shall notify the election**
50 **authority of each county containing territory of the district of the referendum election**
51 **required by subdivision (2) of this subsection.**

52 **(2) At the general election held in the first even-numbered year occurring at least**
53 **four years after the date the mayor assumed governance of the transformational district**
54 **under this section, the following question shall be submitted to the electors residing in the**
55 **school district:**

56 **"Shall the mayor of (here insert the name of the applicable municipality)**
57 **continue to serve as the authority for the transformational school district and shall the**
58 **transformational district subsume the territory, liabilities and assets of the (here insert**
59 **name of the applicable urban school district), thereby dissolving it and reconstituting it as**
60 **the Transformational School District of (here insert the name of the applicable**
61 **municipality)?"**.

62 **(3) Notice of the election shall be published in a newspaper of general circulation**
63 **in the school district as provided in chapter 115 stating the question on which the election**
64 **is being held. The ballot shall be in the form prescribed by the secretary of state. Costs**
65 **of submitting the question to the electors shall be charged to the urban school district.**

66 **(4) If a majority of electors voting on the issue proposed in subdivision (2) of this**
67 **subsection approve the question, the mayor shall continue as the governing authority of**
68 **the transformational school district.**

69 **(5) If a majority of electors voting on the issue proposed in subdivision (2) of this**
70 **subsection disapprove the question, the members of the elected board of education under**
71 **section 162.471 shall resume governance on the immediately following first day of July.**

72 **6. Upon dissolution of a transformational school district under this section, nothing**
73 **in this section shall be construed to reduce or eliminate any power or duty of any school**
74 **district or districts containing the territory of the dissolved transformational school**
75 **district.**

167.131. 1. The board of education of each district in this state that does not maintain
2 an accredited school pursuant to the authority of the state board of education to classify schools
3 as established in section 161.092 **because the district does not maintain an accredited school**
4 **for certain grades or because the district has been declared unaccredited because of**
5 **academic or financial reasons** shall pay the tuition of and provide transportation consistent with

6 the provisions of section 167.241 for each pupil resident therein who attends an accredited school
7 in another district of the same or an adjoining county.

8 2. The rate of tuition to be charged by the district attended and paid by the sending
9 district is the per pupil cost of maintaining the district's grade level grouping which includes the
10 school attended. The cost of maintaining a grade level grouping shall be determined by the board
11 of education of the district but in no case shall it exceed all amounts spent for teachers' wages,
12 incidental purposes, debt service, maintenance and replacements. The term "debt service", as
13 used in this section, means expenditures for the retirement of bonded indebtedness and
14 expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping
15 shall be determined by dividing the cost of maintaining the grade level grouping by the average
16 daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts
17 shall be submitted to the state board of education, and its decision in the matter shall be final.
18 Subject to the limitations of this section, each pupil shall be free to attend the public school of
19 his or her choice.

20 **3. A district that receives students from an unaccredited district upon a declaration**
21 **that the district has become unaccredited shall submit to the department of elementary and**
22 **secondary education a certification of capacity undertaken by a licensed contractor or**
23 **architect based on square footage available for instructional purposes. The department**
24 **of elementary and secondary education shall promulgate a rule that designates minimum**
25 **square footage required for instructional space based on its existing standards and**
26 **consideration of information from the National Clearinghouse for Educational Facilities**
27 **of the National Institute of Building Sciences. Common areas shall not be included as**
28 **available space. No receiving district shall be required to accept transfer students when**
29 **a building has reached one hundred five percent of its capacity for instructional space.**

30 **4. Any transfer of students from an unaccredited district to a receiving district shall**
31 **begin with the next full school year after the effective date of the declaration of**
32 **unaccredited status, in order to give receiving districts time to make staffing and building**
33 **capacity adjustments.**

34 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
35 **created under the authority delegated in this section shall become effective only if it**
36 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
37 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
38 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
39 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
40 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**
41 **shall be invalid and void.**

Section B. In order to provide clarity and certainty for the ultimate academic benefit of
2 all students whose school district accreditation status has raised logistical questions about
3 providing educational adequacy, this act is deemed necessary for the immediate preservation of
4 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and this act shall be in full force and effect upon its
6 passage and approval.

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