

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 125, Section
2 161.092, Lines 64 to 71, by deleting all of said lines and inserting in lieu thereof the following:

3 "(14) Promulgate rules under which the board shall classify the public schools of the state;
4 provided that the appropriate scoring guides, instruments, and procedures used in determining the
5 accreditation status of a district shall be subject to a public meeting upon notice in a newspaper of
6 general circulation in each of the three most populous cities in the state and also a newspaper that is a
7 certified minority business enterprise or woman-owned business enterprise in each of the two most
8 populous cities in the state, and notice to each district board of education, each superintendent of a
9 school district, and to the speaker of the house of representatives, the president pro tem of the senate,
10 and the members of the joint committee on education, at least fourteen days in advance of the
11 meeting, which shall be conducted by the department of elementary and secondary education not less
12 than ninety days prior to their application in accreditation, with all comments received to be reported
13 to the state board of education;" ;and
14

15 Further amend said bill, page, and section, Line 72, by inserting after all of said line the following:

16 "162.081. 1. Whenever any school district in this state fails or refuses in any school year to
17 provide for the minimum school term required by section 163.021 or is classified unaccredited [for
18 two successive school years by the state board of education, its corporate organization shall lapse.
19 The corporate organization of any school district that is classified as unaccredited shall lapse on June
20 thirtieth of the second full school year of such unaccredited classification after the school year during
21 which the unaccredited classification is initially assigned. The territory theretofore embraced within
22 any district that lapses pursuant to this section or any portion thereof may be attached to any district
23 for school purposes by the state board of education; but no school district, except a district classified
24 as unaccredited pursuant to section 163.023 and section 160.538 shall lapse where provision is
25 lawfully made for the attendance of the pupils of the district at another school district that is
26 classified as provisionally accredited or accredited by the state board of education], the state board of
27 education shall, upon a district's initial classification or reclassification as unaccredited:

28 (1) Review the governance of the district to establish the conditions under which the existing
29 school board shall continue to govern; or

30 (2) Determine the date the district shall lapse and determine an alternative governing
31 structure for the district.

32 2. [Prior to or] If at the time any school district in this state shall [lapse, but after the school
33 district has been] be classified as unaccredited, the department of elementary and secondary
34 education shall conduct [a] at least two public [hearing] hearings at a location in the unaccredited
35 school district regarding the accreditation status of the school district. The hearings shall provide an
36 opportunity to convene community resources that may be useful or necessary in supporting the
37 school district as it attempts to return to accredited status, continues under revised governance, or

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1 plans for continuity of educational services and resources upon its attachment to a neighboring
 2 district. The department may request the attendance of stakeholders and district officials to review
 3 the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and
 4 coordinate community resources. Such hearings shall be conducted at least twice annually for every
 5 year in which the district remains unaccredited or provisionally accredited. [The purpose of the
 6 hearing shall be to:

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

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

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

20 4.] 3. Upon [lapse of the district] classification of a district as unaccredited, the state board of
 21 education may:

22 (1) Allow continued governance by the existing school district board of education under
 23 terms and conditions established by the state board of education; or

24 (2) Lapse the corporate organization of the unaccredited district and:

25 (a) Appoint a special administrative board, [if such a board has not already been appointed,
 26 and authorize the special administrative board to retain the authority granted to a board of education]
 27 for the operation of all or part of the district. The number of members of the special administrative
 28 board shall not be less than five, the majority of whom shall be residents of the district. The
 29 members of the special administrative board shall reflect the population characteristics of the district
 30 and shall collectively possess strong experience in school governance, management and finance, and
 31 leadership. Within fourteen days after the appointment by the state board of education, the special
 32 administrative board shall organize by the election of a president, vice president, secretary and a
 33 treasurer, with their duties and organization as enumerated in section 162.301. The special
 34 administrative board shall appoint a superintendent of schools to serve as the chief executive officer
 35 of the school district and to have all powers and duties of any other general superintendent of schools
 36 in a seven-director school district. Any special administrative board appointed under this section
 37 shall be responsible for the operation of the district until such time that the district is classified by the
 38 state board of education as provisionally accredited for at least two successive academic years, after
 39 which time the state board of education may provide for a transition pursuant to section 162.083; or

40 [(2)] (b) Determine an alternative governing structure for the district including, at a
 41 minimum:

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

45 b. A method for the residents of the district to provide public comment after a stated period
 46 of time or upon achievement of specified academic objectives;

47 c. Expectations for progress on academic achievement, which shall include an anticipated
 48 time line for the district to reach full accreditation; and

1 d. Annual reports to the general assembly and the governor on the progress towards
 2 accreditation of any district that has been declared unaccredited and is placed under an alternative
 3 form of governance, including a review of the effectiveness of the alternative governance; or

4 (c) Attach the territory of the lapsed district to another district or districts for school
 5 purposes; or

6 [(3)] (d) Establish one or more school districts within the territory of the lapsed district, with
 7 a governance structure [consistent with the laws applicable to districts of a similar size] specified by
 8 the state board of education, with the option of permitting a district to remain intact for the purposes
 9 of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted
 10 average daily attendance basis, but to be divided for operational purposes, which shall take effect
 11 sixty days after the adjournment of the regular session of the general assembly next following the
 12 state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's
 13 decision prior to such effective date. [The special administrative board may retain the authority
 14 granted to a board of education for the operation of the lapsed school district under the laws of the
 15 state in effect at the time of the lapse.

16 5.] 4. If the state board of education chooses, upon a district's initial classification as
 17 unaccredited, to allow the district to remain under the continued governance of the existing school
 18 district board of education under terms and conditions established by the state board of education in
 19 subsection 3 of this section, the state board of education shall annually review such decision under
 20 the terms of this section for so long as the district remains unaccredited or provisionally accredited,
 21 with consideration given to the following:

22 (1) If the unaccredited district earns an improved score of at least five points in academic
 23 achievement on the department's annual performance report as compared to the score it earned in the
 24 prior year or if the score is sufficient for accredited status, the state board of education may continue
 25 to allow the district to remain under the continued governance of the existing school district board of
 26 education under terms and conditions established by the state board of education;

27 (2) If the unaccredited district does not earn an improved score of at least five points in
 28 academic achievement on the department's annual performance report as compared to the score it
 29 earned in the prior year or has a score that is insufficient for accredited status, then the state board of
 30 education shall proceed under subdivision (2) of subsection 3 of this section;

31 (3) In no case shall a district remain under the continued governance of the existing school
 32 district board of education if it suffers three consecutive years of unaccredited status. In such cases
 33 of continuous unaccredited status, the state board of education shall immediately proceed under
 34 subdivision (2) of subsection 3 of this section.

35 5. A special administrative board appointed under this section shall retain the authority
 36 granted to a board of education for the operation of the lapsed school district under the laws of the
 37 state in effect at the time of the lapse and may enter into contracts with accredited school districts or
 38 other education service providers in order to deliver high quality educational programs to the
 39 residents of the district. If a student graduates while attending a school building in the district that is
 40 operated under a contract with an accredited school district as specified under this subsection, the
 41 student shall receive his or her diploma from the accredited school district. The authority of the
 42 special administrative board shall expire at the end of the third full school year following its
 43 appointment, unless extended by the state board of education. If the lapsed district is reassigned, the
 44 special administrative board shall provide an accounting of all funds, assets and liabilities of the
 45 lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by
 46 the state board of education. Neither the special administrative board nor its members or employees
 47 shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq.
 48 The state of Missouri, its agencies and employees, shall be absolutely immune from liability for any

and all acts or omissions relating to or in any way involving the lapsed district, the special administrative board, its members or employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board, its members and employees.

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

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

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

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

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

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

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

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

162.083. 1. The state board of education may appoint additional members to any special administrative board appointed under section 162.081.

2. The state board of education may set a final term of office for any member of a special administrative board, after which a successor member shall be elected by the voters of the district.

(1) All final terms of office for members of the special administrative board established under this section shall expire on June thirtieth.

(2) The election of a successor member shall occur on the general municipal election day immediately prior to the expiration of the final term of office.

(3) The election shall be conducted in a manner consistent with the election laws applicable to the school district.

3. Nothing in this section shall be construed as barring an otherwise qualified member of the special administrative board from standing for an elected term on the board.

1 4. [If the state board of education appoints a successor member to replace the chair of the
2 special administrative board, the serving members of the special administrative board shall be
3 authorized to appoint a superintendent of schools and contract for his or her services.

4 5.] On a date set by the state board of education, any district operating under the governance
5 of a special administrative board shall return to local governance, and continue operation as a school
6 district as otherwise authorized by law.

7 162.1300. If a change in school district boundary lines occurs under section 162.223,
8 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081,
9 including attachment of a school district's territory to another district or dissolution, such that a
10 school district receives additional students as a result of such change, the statewide assessment scores
11 and all other performance data for those students whom the district received shall not be used for
12 three years when calculating the performance of the receiving district for three school years for
13 purposes of the Missouri school improvement program." ; and

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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.
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