

FIRST REGULAR SESSION

HOUSE BILL NO. 50

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAIR.

0326L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two 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Section A. Sections 162.081 and 162.083, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.081 and 162.083, to read as follows: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 or is classified unaccredited [for two successive school years by the state board of education, its corporate organization shall lapse. The corporate organization of any school district that is classified as unaccredited shall lapse on 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 and section 160.538 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] , **the state board of education shall:**

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

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

17 2. [Prior to or] **If** at the time any school district in this state shall [lapse, but after the
18 school district has been] **be** classified as unaccredited, the department of elementary and
19 secondary education shall conduct [a] **at least two** public [hearing] **hearings** at a location in the
20 unaccredited school district **regarding the accreditation status of the school district. The**
21 **hearings shall provide an opportunity to convene community resources that may be useful**
22 **or necessary in supporting the school district as it attempts to return to accredited status,**
23 **continues under revised governance, or plans for continuity of educational services and**
24 **resources upon its attachment to a neighboring district. The department may request the**
25 **attendance of stakeholders and district officials to review the district's plan to return to**
26 **accredited status, if any; offer technical assistance; and facilitate and coordinate**
27 **community resources.** [The purpose of the hearing shall be to:

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

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

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

41 4.] **3. Upon [lapse of the district] classification of a district as unaccredited,** the state
42 board of education may:

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

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

46 (a) Appoint a special administrative board, [if such a board has not already been
47 appointed, and authorize the special administrative board to retain the authority granted to a
48 board of education] for the operation of all or part of the district. **The number of members of**
49 **the special administrative board shall not be less than five, the majority of whom shall be**
50 **residents of the district. The members of the special administrative board shall reflect the**
51 **population characteristics of the district and shall collectively possess strong experience in**
52 **school governance, management and finance, and leadership. Any special administrative**

53 board appointed under this section shall be responsible for the operation of the district
54 until such time that the district is classified by the state board of education as provisionally
55 accredited for at least two successive academic years, after which time the state board of
56 education may provide for a transition pursuant to section 162.083; or

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

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

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

64 c. Expectations for progress on academic achievement, which shall include an
65 anticipated timeline for the district to reach full accreditation; and

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

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

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

82 5.] 4. A special administrative board appointed under this section shall retain the
83 authority granted to a board of education for the operation of the lapsed school district
84 under the laws of the state in effect at the time of the lapse and may enter into contracts
85 with accredited school districts or other education service providers in order to deliver
86 high quality educational programs to the residents of the district. If a student graduates
87 while attending a school building in the district that is operated under a contract with an
88 accredited school district as specified under this subsection, the student shall receive his

89 **or her diploma from the accredited school district.** The authority of the special administrative
90 board shall expire at the end of the third full school year following its appointment, unless
91 extended by the state board of education. If the lapsed district is reassigned, the special
92 administrative board shall provide an accounting of all funds, assets and liabilities of the lapsed
93 district and transfer such funds, assets, and liabilities of the lapsed district as determined by the
94 state board of education. **Neither the special administrative board nor its members or**
95 **employees shall be deemed to be the state or a state agency for any purpose, including**
96 **section 105.711, et seq. The state of Missouri, its agencies and employees, shall be**
97 **absolutely immune from liability for any and all acts or omissions relating to or in any way**
98 **involving the lapsed district, the special administrative board, its members or employees.**
99 **Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards**
100 **of education, their members and their employees shall be available to the special**
101 **administrative board, its members and employees.**

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

106 7.] **5.** Neither the special administrative board nor any district or other entity assigned
107 territory, assets or funds from a lapsed district shall be considered a successor entity for the
108 purpose of employment contracts, unemployment compensation payment pursuant to section
109 288.110, or any other purpose.

110 [8.] **6.** If additional teachers are needed by a district as a result of increased enrollment
111 due to the annexation of territory of a lapsed or dissolved district, such district shall grant an
112 employment interview to any permanent teacher of the lapsed or dissolved district upon the
113 request of such permanent teacher.

114 [9. (1) The governing body of a school district, upon an initial declaration by the state
115 board of education that such district is provisionally accredited, may, and, upon an initial
116 declaration by the state board of education that such district is unaccredited, shall develop a plan
117 to be submitted to the voters of the school district to divide the school district if the district
118 cannot attain accreditation within three years of the initial declaration that such district is
119 unaccredited. In the case of such a district being declared unaccredited, such plan shall be
120 presented to the voters of the district before the district lapses. In the case of such a district being
121 declared provisionally accredited, such plan may be presented before the close of the current
122 accreditation cycle.

123 (2) The plan may provide that the school district shall remain intact for the purposes of
124 assessing, collecting and distributing taxes for support of the schools, and the governing body

125 of the district shall develop a plan for the distribution of such taxes equitably on a per-pupil basis
126 if the district selects this option.

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

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

133 10. In the event that a school district with an enrollment in excess of five thousand pupils
134 lapses, no school district shall have all or any part of such lapsed school district attached without
135 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
2 administrative board appointed under section 162.081.

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

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

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

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

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

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

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

Section B. Because of the need to provide immediate guidance on the operations of
2 unaccredited districts, this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and this act shall be in full force and effect upon its passage and
5 approval.

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