

HCS SCS SBs 493, 485, 495, 516, 534, 545, 595, 616, & 624 --
ELEMENTARY AND SECONDARY EDUCATION

SPONSOR: Pearce (Stream)

COMMITTEE ACTION: Voted Do Pass by the Committee on Elementary and Secondary Education by a vote of 15 to 8.

DEFINITIONS

The definition of graduation rate is revised to reflect current Missouri school improvement program practices and those relating days and hours of the school term are revised to reflect a change from required days and hours to just required hours. Definitions relating to the accreditation and transfers programs are added (Sections 160.011 and 167.848, RSMo).

SCHOOL SCHEDULES

Currently, public schools are required to be in session for a minimum of 174 days and 1,044 hours. This bill changes the requirement to a minimum of 1,080 hours of actual pupil attendance and removes the requirement for days, beginning with school year 2015-16. School scheduled during the months of June, July, and August must not exceed a four-day week and must provide for a week off for the July 4 holiday. The provisions regarding four-day school weeks are repealed.

The school board of any provisionally accredited or unaccredited district may increase the length of the school day or year. The Extended Learning Time Fund is created in the state treasury to be used for schools that extend their school day or hours of instruction (Sections 160.011, 160.041, 163.021, 163.073, 171.029, 171.031, and 171.033).

CHARTER SCHOOLS

Additional entities are allowed to sponsor a charter school in an unaccredited district, including the school board of a district that is accredited without provisions, a combination of the school boards of districts that are accredited without provisions, or a cooperative association of school districts. When a sponsor notifies a charter school of closure, the Department of Elementary and Secondary Education must withhold funds from the school to assure all obligations of the school have been met, and if funds are not sufficient, a court may determine how assets are prioritized (Section 160.400).

Currently, a charter must be a legally binding performance

contract; the bill revises this requirement so that a charter must include a legally binding performance contract. Currently, the State Board of Education must approve a charter by December 1 of the year prior to the proposed opening date of the charter school, which is changed by the bill to January 31. Under current law, when a sponsor approves a charter and submits the application to the State Board of Education, it must include a statement of finding that the application meets statutory requirements; this provision is changed to require the sponsor to prepare the statement.

The State Board of Education must review a charter application within 60 days of its receipt. Any charter application received on or before November 15 of the year prior to the proposed opening of the charter school must be considered by the State Board within 60 days. At the end of 60 days, the charter application will be deemed approved unless the State Board disapproves it on the grounds that it fails to meet statutory requirements or the sponsor has previously failed to meet the statutory responsibilities of a sponsor. If the State Board disapproves a charter application, it must do so in writing and identify the specific failures of the application to meet statutory requirements. The written disapproval must be provided to the sponsor within 10 business days. The Department of Elementary and Secondary Education must calculate and publish an annual performance report for each charter school (Section 160.405).

The bill establishes the requirements for being considered a high-quality charter school and requires expedited opportunities to replicate and expand into unaccredited districts and the city school districts of St. Louis and Kansas City subject to conditions and time lines specified in the bill (Section 160.408).

Currently, charter schools are prohibited from charging tuition; the bill revises this provision to allow a charter school to charge tuition and fees in the same manner allowed for a school district (Section 160.415).

The bill exempts a charter school in its first three years of operation from being classed as financially stressed, but is not applicable to federal funding (Section 160.417).

When a local school board sponsors a charter school, it may only submit an estimate of the district's weighted average daily attendance for the current year (Section 163.036).

SCHOOL DISTRICT ACCREDITATION

The State Board of Education cannot classify a school district as

unaccredited or reclassify an accredited district as provisionally accredited when there is no State Board of Education member who is a resident of the congressional district in which the school district is located until the Governor has received notice that the Board plans to act on the matter after 30 days (Section 161.084).

When the State Board of Education assigns classification designations to school districts, it must use one of the following designations: unaccredited, provisionally accredited, accredited, and accredited with distinction. A district must have a three-year average annual performance report consistent with accredited status to be classified as accredited without provision (Section 161.086).

ASSISTANCE TEAMS

The State Board of Education must develop and implement a process to provide assistance teams to borderline districts and provisionally accredited districts. The bill provides a time line for the teams for 2014-15 school year, requiring that districts with the lowest annual performance scores be given priority. Suggestions are mandatory for provisional districts, but not for borderline districts. Schools that remain assigned to local districts shall continue to be monitored (Section 161.086).

ATTENDANCE CENTER ACCREDITATION

The State Board of Education must adopt a system of classification that accredits attendance centers (individual schools) within a district separately from the district as a whole. The State Board may consider certain types of attendance centers as exempt from classification. The Special School District's separate special education schools and juvenile detention centers are not subject to this provision, although their annual performance scores will continue to be reported. Classification by attendance center will not be subject to the two-year delay on accreditation rule changes required for district accreditation (Section 161.238).

STATE BOARD OF EDUCATION INTERVENTION POWERS

The State Board of Education (SBE) may lapse all or a part of an unaccredited district. If it appoints a special administrative board (SAB) for part of the district, the SBE will determine how state and federal aid will be apportioned and the district will provide local revenue in proportion. One member of the SAB must be a current school board member appointed by the elected board; the SBE may appoint additional elected board members, but the SAB must not have more than 49% of its membership comprised of elected school board members. If the State Board of Education reasonably believes that a school district is unlikely to provide for the

minimum school term required by Section 163.021 because of financial difficulty, the State Board may, prior to the start of the school term, allow continued governance by the existing district school board under terms and conditions established by the state board of education. As an alternative, the State Board may lapse the corporate organization of the district and implement one of the options available to the State Board to intervene in an unaccredited district (Section 162.081).

LOCAL EFFORT CALCULATION AND BOUNDARY LINE CHANGES

Currently, the calculation of local effort uses a school district's assessed valuation figure from 2004. When a change in school district boundary lines occurs, the Department of Elementary and Secondary Education must adjust each affected district's local effort calculation based on the land area adjustments from the boundary line change using 2004 assessed valuation data (Section 162.432).

VIRTUAL SCHOOLS

School districts must not assign a 94% attendance rate to an A+ eligible student who takes a virtual course, but must assign the student at least a 95% attendance rate for the completed class. The bill creates the "Missouri Virtual Education Interim Committee" to study on-line learning, consisting of eight members, of whom two will be selected by the Speaker of the House of Representatives and two of whom will be selected by the President Pro Tem of the Senate, and four members to be selected by the Governor no later than September 30, 2014. The department will provide staff assistance and the committee will report by January 1, 2015 (Section 162.1250 and Section 1).

TRANSIENT STUDENT RATIO & STUDENT ASSESSMENT SCORES

The Department of Elementary and Secondary Education must annually calculate a transient student ratio for each public school building and each school district. The transient student ratio must be published on the department's website and in the school accountability report card for each district and public school building. The department must also publish on its website an aggregate transient student ratio for the state. The transient student ratio will use data, including the number of students enrolled in the district or school, the number of students who withdraw from the district or school, and the number of students who are enrolled, withdrew, and later reentered the district or school. Each school district must report annually to the department any information and data necessary for the department to calculate transient student ratios. The statewide assessment

scores of students who have been in an attendance center or district for a full academic year shall be included in the calculation for the annual performance report score (Section 162.1303).

PARENT NOTIFICATION OF UNACCREDITED DISTRICT STATUS; HOME VISITS

When a district becomes unaccredited, the district must promptly notify the parent or guardian of students enrolled in the districts. The notice must also include an explanation of the option to transfer and any services for which the student may be eligible. This notice must be posted in district school buildings and must be sent to each political subdivision located in the boundaries of the school district.

The school board of any district with an underperforming school must adopt a policy regarding the availability of home visits by school personnel. The school board's policy may provide that the parent or guardian of a student enrolled in any such school may be offered the opportunity to have at least one annual home visit and must be offered a meeting at school or other mutually agreed upon site (Section 162.1310).

MINIMUM TEACHER SALARY

The bill raises the minimum teacher salary to \$28,000 in school year 2015-16, \$29,000 in school year 2016-17, and \$30,000 in school year 2017-18 and the master's degree minimum salary is raised to \$35,000 in school year 2017-18, subject to appropriation. A Teacher Minimum Salary Fund and a method for disbursing moneys appropriated to the fund is created (Section 163.172).

SCHOOL DISTRICT FINANCIAL REQUIREMENTS

School districts had been excused from spending funds for professional development and fund placement requirements in fiscal years 2011, 2012, and 2013. This bill extends the excusal to years in which the basic funding formula apportionment is underfunded or the transportation categorical funding is less than a 75% reimbursement rate or the year after any withholdings for the basic formula apportionment (Section 163.410).

SCHOOL DISTRICT IMPROVEMENT MEASURES

Any unaccredited district must offer free tutoring and supplemental education services to underperforming and struggling students, using moneys from the School District Improvement Fund to the extent that the funds are available. A district may implement these services by contract with a public library. An

underperforming district may do any of the following: implement a new curriculum, retain an outside expert to advise on regaining accreditation, enter into a contract with an education management organization with a proven record of success, enter into a collaborative relationship with an accredited district in which teachers from both districts exchange positions for two school weeks, or any other change allowed by law that the school board reasonably believes will result in improved performance (Sections 167.685, 167.687, and 170.215).

READING, PERSONALIZED LEARNING PLANS, AND STUDENT RETENTION

Beginning July 1, 2015, all public schools in the St. Louis City School District and Kansas City School District, including charter schools, must use a response-to-intervention tiered approach to reading instruction for students determined by their school to be struggling readers. At a minimum, the reading levels of students in kindergarten through 10th grade must be assessed at the beginning and middle of the school year. Students who score below district benchmarks must be provided with intensive, systemic reading instruction.

Beginning January 1, 2015, and each January 1 thereafter, each public school in the St. Louis City School District and Kansas City School District, including charter schools, must prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is below grade level, with certain exceptions. For any student with a personalized learning plan, the student's main teacher must consult with the student's parent or guardian about the plan and must have consent to implement it. If a student is still performing below grade level through the end of the first grade year, the school must refer him or her for assessment to determine if an IEP is necessary. If an IEP is not necessary, the personalized learning plan must remain in place until the student is reading at grade level.

Any student who is not reading at the second grade level in the St. Louis City School District and the Kansas City School District by the end of second grade can be promoted to third grade only if the school provides additional reading instruction during the summer and demonstrates the student is ready for third grade at the end of summer school; if the school provides a "looping" classroom in which the student remains with the same teacher for multiple years and the student is not reading at the third grade level by the end of third grade, the student must be retained; or the student's parents or guardians sign a notice that they prefer to have the student promoted. The school will have final determination to retain.

The St. Louis City School District, the Kansas City School District, and each charter school located in them must provide in the annual school accountability report card the numbers and percentages by grade of any students at grade level who have been promoted but who have been determined as reading below grade level. If a school district or charter school already has an equivalent program, it may use the program with the approval of the department (Section 167.730).

STUDENT TRANSFERS

Currently, the school board of a school district that does not maintain an accredited school is required to pay the tuition and transportation of resident pupils who attend an accredited school in another district of the same or an adjoining county. This provision applies to both unaccredited school districts and K-8 school districts that do not offer high school grades, but as revised by the bill, it would apply only to K-8 school districts (Section 167.131).

For school year 2014-15, students who participated in the transfer program during school year 2013-14 may continue under the same terms, except for their tuition, and may finish school in their receiving district subject to certain conditions (Section 167.825).

Any student who is enrolled in and attends an unaccredited school in an unaccredited district for one semester may transfer to another accredited school in his or her district of residence, to an accredited school in an accredited district or charter school in the same or an adjoining county, or in a nonsectarian private school. If the student chooses a school that has entrance requirements, the student must furnish proof he or she meets the requirements. Provisionally accredited districts, provisionally accredited schools, unaccredited districts, unaccredited schools, or any districts or schools with a three-year average APR score of 75 or less under MSIP 5 are not eligible to accept transfer students. However, any student who received a transfer to a district or school with a current year APR score of 75 or less under MSIP 5 prior to the effective date of this section may remain enrolled. The bill details conditions placed on the class sizes of both the sending and receiving districts. The State Board of Education has the final determination on the issue of class size.

The sending district shall pay tuition, as calculated in the bill, of 70% of its cost of maintaining the grade level grouping to the receiving district and, in the first year of the program, 10% for transportation to the appropriate education authority for transportation. In subsequent years, the education authority may

determine the amount, up to 10%. The statewide assessment scores of a transfer student that are more than two grade levels below the grade to which the student is assigned will count only for growth scores in the first year.

Unaccredited districts in St. Louis County or an adjoining county are required to contract with the special school district for the reimbursement of special education services provided by the special school district for transfer students who are residents of the unaccredited district. Students must maintain their residency in the unaccredited district to continue eligibility for transfer. Once a student withdraws from the school to which he or she has transferred, no more transfers under the program will be allowed. Students who maintain their residency will be allowed to finish high school in the receiving school (Section 167.826).

By August 1, 2014, and by January 1 annually, each accredited school district in the same or an adjoining county as an unaccredited district, each unaccredited district, and each participating nonsectarian private school must report the number of its available enrollment slots by grade level to the appropriate regional education authority for the affected district. The education authority must make information and assistance available to parents who intend to transfer their child. Parents who intend to transfer their child must send initial notification to the appropriate education authority by April first, including children who are going to start kindergarten or first grade. The education authority will give first priority to students who live in the same household with family members within the first or second degree of consanguinity or affinity who have already transferred to an accredited school. If insufficient enrollment slots are available, any students who are not able to transfer will receive first priority the following year. To the extent possible, the authority will fill the in-district accredited seats first. If sufficient slots are unavailable in-district the education authority will consider a list of factors in assigning the student, with the student's or parent's choice as the most important factor. An education authority may deny a transfer to a student with a history of school discipline policy violations; a student may be accepted on a provisional basis, and a student who is denied a transfer on these grounds has the right to an in-person meeting with a representative of the authority (Section 167.827).

NONSECTARIAN PRIVATE SCHOOLS

The school board of an unaccredited district that operates an unaccredited school must pay tuition for a student who has enrolled in and attended an unaccredited school for one semester who applies to and is assigned to a nonsectarian private school located in the

unaccredited district or a school district in the same or adjoining county, using funds from the district's operating levy. The tuition amount cannot exceed the lesser of the nonsectarian private school's tuition or 70% of the sending district's tuition.

A nonsectarian private school will only be eligible to receive tuition payments under this section if it satisfies certain conditions: accreditation by the North Central Association Commission On Accreditation and School Improvement or similar academic quality credentials; administration of the statewide assessments in English language arts and mathematics; compliance with all applicable health and safety laws; a valid occupancy permit if required by its municipality, certification that the school does not discriminate, and filing a statement of intent to accept transfer students with the Department of Elementary and Secondary Education. The sending district may, but is not required to, provide transportation.

As a condition of receiving state aid, an unaccredited district must use funds from the operating levy for school purposes to pay tuition remission for students who attend a nonsectarian private school. In addition, the tuition must be paid only using funds from the operating levy for school purposes (Sections 163.021 and 167.828).

REGIONAL EDUCATION AUTHORITIES

Three separate regional education authorities are created to coordinate student transfers from unaccredited districts to accredited districts, one for St. Louis City, St. Louis County, and adjoining counties; a second authority for the Kansas City area, consisting of Jackson County and adjoining counties, and a third authority for the rest of the state. Each authority will consist of five members who must be residents of their covered area, appointed by the Governor with the advice and consent of the Senate, who will serve for a term of six years. The Authority must coordinate and collaborate with local districts and local governments for the student transfers. Parents who want to transfer their child to another district must notify the appropriate regional education authority (Sections 167.830 - 167.845).

SHARING OF SUPERINTENDENTS

Two or more school districts may share a superintendent who possesses a valid Missouri superintendent's license (Section 168.205).

PARENT PORTALS

The Parent Portal Fund is created in the state treasury to provide financial assistance to districts to establish and maintain a parent portal so parents may have access to educational information and access to student data via mobile technology (Section 170.320).

SCHOOL PROPERTY

Currently, a school board is prohibited from leasing or renting buildings while a school building is unoccupied; the bill revises the prohibition so that a school board may lease a building as provided in Section 177.088 when a school building is unoccupied. Currently, the board of any educational institution may enter into an agreement only with a not-for-profit corporation when making certain transactions or modifications involving sites, buildings, facilities, furnishings, and equipment. The bill removes the limitation on contracts being entered into only with non-for-profit corporations and also repeals a provision allowing a board to refinance a lease purchase agreement under certain circumstances (Sections 177.011 and 177.088).

The bill contains an emergency clause. Three provisions relating to the school calendar become effective July 1, 2015.

PROPONENTS: Supporters say that the Senate bill does not take the easy way out of the dilemma that has been building for many years. The intent is to reduce the number of students who transfer where it is possible to do so for a valid reason. Receiving schools do not want to see sending schools fail.

Testifying for the bill were Senator Pearce; Philip Boyd, Assistant Superintendent, Normandy School District; Children's Education Council; Missouri Charter Public School Association; and Students First.

OPPONENTS: Those who oppose the bill say that charter schools and private schools should meet MSIP performance standards to make the playing field level. Early intervention in failing districts is needed. The funding formula needs to be fully funded before students are sent to other options.

Testifying against the bill were Missouri Association of School Administrators; Missouri School Boards' Association; and Missouri American Federation of Teachers.

OTHERS: Others testifying on the bill say the idea of audit teams is a good one. A bill could be less complex than this one and still go far towards solving the underlying problems.

Testifying on the bill were Missouri State Teachers Association; Civic Council of Greater Kansas City; Missouri National Education Association; James Shuls; and St. Louis Public Schools.