

SS#2 SCS SB 313 -- ELEMENTARY AND SECONDARY EDUCATION

SPONSOR: Koenig (Bahr)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 7 to 5. The Standing Committee on Rules-Legislative Oversight failed to pass a motion made by the ranking Minority member to "Return to Committee of Origin" by a vote of 3 to 10. Voted "Do Pass" by the Standing Committee on Rules-Legislative Oversight by a vote of 8 to 5.

This bill also modifies provisions relating to elementary and secondary education.

MISSOURI EMPOWERMENT SCHOLARSHIP ACCOUNT PROGRAM

This bill establishes the Missouri Empowerment Scholarship Accounts Program.

For all fiscal years beginning on or after July 1, 2018, a taxpayer may make a qualifying contribution to an educational assistance organization and claim a tax credit, as described in the bill. The tax credit is for 100% of the amount of the contribution. Tax credits authorized under the program are refundable, but may not be transferred, sold, or assigned. The annual cumulative amount of tax credits is limited at \$25 million, which will be adjusted for inflation. The State Treasurer must establish a procedure to allocate the tax credits to the educational assistance organizations on a first come, first served basis. The State Treasurer may reallocate those tax credits to educational assistance organizations that have used all, or a certain percentage, of their tax credits (Section 135.713, RSMo).

An educational assistance organization must meet certain requirements, including notifying the State Treasurer of its intent to provide scholarship accounts; being a 501(c)(3) organization; providing a receipt to taxpayers for contributions; ensuring that funds are used as specified in the bill; distributing scholarship payments four times per year in an amount not to exceed the state adequacy target; providing the State Treasurer, upon request, with criminal background checks on all employees and board members; and demonstrating financial accountability and viability, as described in the bill.

Each educational assistance organization must publicly report to the State Treasurer, by June 1 annually, the name and address of the organization, the name and address of each student who opened a scholarship account, the total number and dollar amount of contributions during the previous calendar year, and the total

number and dollar amount of scholarship accounts opened during the previous calendar year (Section 135.714).

The State Treasurer must provide standardized forms for program participants. The State Treasurer or State Auditor may conduct an investigation of any educational assistance organization if the State Treasurer or State Auditor possesses evidence of fraud. In addition, the State Treasurer may bar an educational assistance organization from participating if the organization has failed to comply with program requirements.

The State Treasurer must issue a report on the state of the program five years after it goes into effect.

The bill also creates the Missouri Empowerment Scholarship Accounts Fund. No more than 2% of qualifying contributions may be deposited into the fund for marketing and administrative purposes (Section 135.716).

The provisions of the Missouri Sunset Act shall not apply to the program.

A student is eligible to receive funds in a Missouri Empowerment Scholarship Account if he or she is identified as having a disability, as described in the bill, is a ward of the state, or is a child of a parent in active military service. To be eligible, a student must also have attended a public school under circumstances set forth in the bill or be eligible to begin kindergarten (Section 166.700).

The student's parent or guardian shall only use the money in the account for certain expenses related to the qualified student's education, as described in the bill.

The parent of a qualified student must sign an agreement with an educational assistance organization to enroll the qualified student in a qualified school to receive an education for the student in certain subjects; not enroll the student in a school operated by the qualified student's district of residence or in a charter school; release the district of residence from the obligation of educating the student while the student is enrolled in the program; use the Missouri Empowerment Scholarship Account money for only specified purposes; and not use the funds for consumable education supplies or tuition at a private school located outside of Missouri.

The scholarship accounts are renewable on an annual basis upon request of the parent of a qualified student. Qualified students shall remain eligible for renewal until the student completes high

school. If a qualified student withdraws from the program by enrolling in a school other than a qualified school, or is disqualified from the program for violations specified in the bill, the scholarship account shall be closed and any remaining funds shall be returned to the educational assistance organization for redistribution to other qualified students. When a student withdraws from the program, the responsibility for providing an education for that student transfers back to the student's district of residence.

The funds remaining in the scholarship account at the end of a school year shall remain in the account for the following school year. Any funds remaining in the account after graduation shall be returned to the educational assistance organization for redistribution to other qualified students (Section 166.705).

A qualified student that is a ward of the state who receives a scholarship will continue to be eligible to receive his or her scholarship upon a legal adoption.

Beginning in the 2019-2020 school year, the State Treasurer must conduct or contract for an annual audit of accounts to ensure compliance. A parent or guardian may be disqualified from program participation if the State Treasurer determines that the parent or guardian is found to have committed an intentional program violation. The State Treasurer may refer cases of substantial misuse of moneys to the Attorney General (Section 166.710).

A person commits a class A misdemeanor if he or she is found to have knowingly used moneys for any purposes other than those set forth in the bill (Section 166.715).

The provisions of the Missouri Empowerment Scholarship Accounts Program shall be effective in any fiscal year immediately following a fiscal year in which the school foundation formula is fully funded and the amount appropriated and expended for pupil transportation equals or exceeds 21% of the allowable costs of providing pupil transportation. The provisions shall remain effective in all school years thereafter, irrespective of the amount appropriated for the foundation formula or pupil transportation in any succeeding years (Section 166.725).

This bill also modifies other provisions relating to elementary and secondary education as specified in the bill.

This is similar to provisions contained in SCS SB 32 (2017), SB 609 (2016), and HCS HBs 1589 & 2307 (2016).

CAREER AND TECHNICAL EDUCATION

This bill provides students the opportunity to choose between the ACT Workkeys assessment or ACT assessment, including ACT Plus Writing, in any school year in which the Department of Elementary and Secondary Education (DESE) directs a state-funded census administration of the ACT assessment (Section 160.57).

This bill provides that each school district may rely on technical coursework and skills assessments developed for industry-recognized certificates and credentials when entering into partnerships with certain entities to develop and implement a pathway for students to engage in career and technical education (Section 162.1115).

The bill provides several definitions related to career and technical education and states that the Career and Technical Education Advisory Council shall annually review, update, approve, and publish a list of industry certifications, state-issued professional licenses, and occupational assessments.

The Career and Technical Education Advisory Council shall annually review, update, approve and publish a list of industry certifications, state-issued professional licenses, and occupational assessments. The list shall be submitted to the State Board of Education (SBE) for evaluation of course credit (Section 172.028).

This bill also modifies the composition of the Career and Technical Education Advisory Council by adding the Director of the Department of Economic Development, or his or her designee.

The Council is required to encourage local employers to participate in college and career fairs hosted by local school districts, and to cooperate with local school districts to ensure that the curriculum for the career and technical education certificate includes programs of study and course offerings that will lead to industry-recognized certificates or credentials (Section 178.550).

This is the same as SCS HCS HB 253 (2017); similar to SCS SBs 44 & 63 (2017), SB 1109 (2016), and SCS SBs 620 & 582 (2016).

#### TRANSPORTATION HARDSHIP EXEMPTIONS

This bill changes the process by which travel hardships are granted to public school pupils.

A parent or guardian of any pupil residing in any school district in the state is authorized to submit an application to the Commissioner of Education requesting that the pupil and any sibling of the pupil be assigned to another school district if the pupil is

eligible and meets certain conditions as described in the bill. The driving distance from the pupil's residence to his or her attendance center in the district of residence must be 15 miles or more by the shortest route available. The new attendance center must be at least five miles closer in actual driving distance to the pupil's residence, and the attendance of the pupil must not cause the classroom in the receiving district to exceed the number of pupils per class set by the receiving district.

The Commissioner is required to assign pupils in the order in which applications are received. Once granted, the hardship assignment shall continue until the pupil, and any siblings of the pupil attending the same attendance center, completes his or her course of study in the receiving district or the parent withdraws the pupil. If withdrawn, subsequent grants of applications are discretionary.

A pupil who is not currently enrolled in a public school district becomes eligible to apply after the pupil has enrolled in and completed a full school year in a public school in his or her district of residence. The board of education of the district in which the pupil resides shall pay the tuition of the pupil reassigned, which shall not exceed the pro rata cost of instruction (Section 167.125).

This is the same as SB 476 (2017) and similar to HB 926 (2017).

#### READING INSTRUCTION AND STUDENT PROMOTION

This bill requires, beginning July 1, 2018, all public schools in the St. Louis City School District and Kansas City School District, including charter schools, to 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 tenth 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 on January 1, 2018, and each January 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. Certain exceptions exist from this requirement for students with an Individualized Education Program (IEP) or a Section 504 Plan.

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 may be promoted to third grade only if one of three conditions is satisfied. First, a student may be promoted if the school provides additional reading instruction during the summer and demonstrates the student has the abilities and the knowledge to successfully learn in third grade at the end of summer school. Second, a student may be promoted if the school provides a looping classroom in which the student remains with the same teacher for multiple years. If the student is in a looping classroom but is not reading at the third grade level by the end of third grade, the student must be retained. Third, a student may be promoted if the student's parents or guardians may sign a notice that they prefer to have the student promoted. However, the school will have final determination to retain the student.

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.

School districts and charter schools subject to this requirement may provide for a student promotion and retention program and a reading instruction program that are equivalent to those which are described in this section with the oversight and approval of DESE (Section 167.735).

This section is the same as SB 747 (2016).

#### SCHOOL DISTRICT ACCREDITATION

When the SBE assigns classification designations to school districts, it must use one of the following designations: unaccredited, provisionally accredited, accredited, and accredited with distinction.

The SBE must develop and implement a process to provide assistance teams to borderline districts, as determined by DESE, and to underperforming districts upon assignment of such classification or determination by DESE. Teams must have at least 10 members, including two active classroom teachers in the district, two principals, and one parent of a student in the district. A DESE staff member assigned to the region may be included in the team activities but must not be formally assigned to the team. Teams must provide an analysis of the assessment data, classroom practices, and the communication processes within buildings, in the district, and the community, and also provide prescriptions for improvement based on the district's and community's needs. The team must provide recommendations by June 30, 2018. Assignment of

teams must be prioritized so that districts with lower APR scores are addressed first.

Suggestions are mandatory for underperforming districts but not for borderline districts. If an underperforming district disagrees with any suggestion of the assistance team, the district must propose a different method of accomplishing what the team has suggested (Section 161.087).

DESE shall be responsible for the receipt and disbursement of funds from statewide career and technical student organizations (Section 161.106).

This is similar to SB 23 (2017).

#### ATTENDANCE CENTER ACCREDITATION

This bill requires the SBE to classify individual attendance centers within a school district. The SBE must adopt a policy to classify individual attendance centers based on a three-year average of their annual performance report scores for the following school districts: unaccredited districts within 45 days; provisionally accredited districts within 90 days; and the St. Louis City School District, urban school districts, and any school district that has most or all of its land area located in Jackson County or St. Louis County by January 1, 2018. These classifications will become effective immediately.

By January 1, 2018, the SBE must develop, through administrative rule, a system of classification that accredits individual attendance centers within a district separately from the district as a whole. The SBE must assign each attendance center a classification. Attendance centers must be assigned one of the following classification designations: unaccredited, provisionally accredited, accredited, or accredited with distinction. Attendance centers that do not offer classes above the second grade will not be given a classification. Upon adoption of this new system, the SBE may change any classification it previously assigned to an attendance center.

The SBE may consider the classification designation of an attendance center in its accreditation classification system to exempt attendance centers with classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools. Public separate special education schools within a special school district and within a school district are exempted from these accreditation requirements. However, a special school district must report all scores on its annual performance report to DESE for all of its schools. Juvenile

detention centers within a special school district are exempt from these accreditation standards.

This bill waives the statutory two year delayed effective date for school accreditation rules for this system (Section 161.238).

This is similar to SB 23 (2017).

#### SCHOOL TRANSFER AND IMPROVEMENT TASK FORCE

This bill creates the "School Transfer and Improvement Task Force" within DESE. The task force will study the following: means to address failing schools, including a school improvement district; developing options for school transfer finance formulas; best practices for how to design and finance public virtual and blended schools; best practices and possible pilot projects to assist transient students; options for comprehensive school quality indicators leading to student success; options for school quality review models based on successful review models currently in use; options for locally-created assessment and accountability systems; and best practices in parent and community engagement. The task force will consist of the following members:

- (1) Three members of the Senate, appointed by the President Pro Tem of the Senate, of whom not more than two shall be of the same party;
- (2) One member from an education policy research organization in Missouri, appointed by the President Pro Tem of the Senate;
- (3) Three members of the House of Representatives, appointed by the Speaker, of whom not more than two shall be of the same party;
- (4) One member from a statewide business association, appointed by the Speaker of the House of Representatives;
- (5) The Commissioner of Education, or his or her designee;
- (6) One member from an education organization consisting exclusively of elected officials, appointed by the Commissioner of Education;
- (7) The Lieutenant Governor, or his or her designee.

The task force must make recommendations by February 1, 2018 to the General Assembly and will expire on April 30, 2018 (Section 161.1000).

This bill is similar to SB 23 (2017).



## STATE BOARD OF EDUCATION INTERVENTION POWERS

This bill allows the SBE to lapse the corporate organization of all or part of an unaccredited school district. If the SBE appoints a special administrative board for the operation of a part of an unaccredited school district, the SBE must determine an equitable apportionment of state and federal aid for the part of the district. In addition, the school district must provide local revenue in proportion to the weighted average daily attendance of the part governed by the special administrative board.

The SBE may appoint members of the elected board to a special administrative board but members of the elected board must not comprise more than 49% of the special administrative board's composition.

Nothing in this provision of law must be construed to permit either the SBE or a special administrative board to raise, in any way not specifically allowed by law, the tax levy of the district or any part of the district without a vote of the people.

This bill provides that when the SBE determines another form of governance for an unaccredited district, that other form of governance will be subject to the following provisions of law: it will retain the authority granted to a board of education; it will expire at the end of the third year of its appointment unless reauthorized; it will not be deemed to be the state or a state agency; and it will not be considered a successor entity for purposes of employment contracts, unemployment compensation or any other purpose.

If the SBE 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 SBE 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 SBE. As an alternative, the SBE may lapse the corporate organization of the district and implement one of the options available to the SBE to intervene in an unaccredited district. However, this provision will not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students (Section 162.081).

This is similar to SB 23 (2017).

## TRANSIENT STUDENT RATIO & STUDENT ASSESSMENT SCORES

This bill requires DESE to annually calculate a transient student

ratio for each attendance center, each school district, and charter school. The transient student ratio must be published on DESE's website and in the school accountability report card for each district and attendance center. DESE must also publish on its website an aggregate transient student ratio for the state. A transient student is defined as a student who withdraws from one attendance center and enrolls in any other attendance center two or more times within two school years.

Each school district and charter school must report annually to DESE any information and data necessary to calculate transient student ratios.

This bill establishes how the student assessment scores and other performance data for students who have not been enrolled in a district or charter school for the previous full school term will be used when calculating the district's, attendance center's, or charter school's performance for purposes of the Missouri School Improvement Program or scores on the annual performance report. In the first year of attendance in a district, attendance center, or charter school, a transient student's scores on statewide assessment will not be included but growth scores will be weighted at 100%. In the second year of attendance in a district, attendance center, or charter school, a transient student's scores on statewide assessment will be weighted at 30% and growth scores will be weighted at 100%. In the third year of attendance in a district, attendance center, or charter school, a transient student's scores on statewide assessment will be weighted at 70% and growth scores will be weighted at 100%. In the fourth, and any subsequent, year of attendance in a district, attendance center, or charter school, a transient student's scores on statewide assessment will be weighted at 100%one hundred percent and growth scores will be weighted at 100% (Sections 162.1303 and 162.1305).

This is similar to SB 23 (2017).

#### PARENT NOTIFICATION OF UNACCREDITED STATUS

When a district or attendance center becomes unaccredited, the district must promptly notify the parent or guardian of students enrolled in the district of the loss of accreditation within seven business days. The notice must also include an explanation of the option for a student in an unaccredited attendance center to transfer and any services for which the student may be eligible. This notice must be posted in district attendance centers and must be sent to district taxpayers and each political subdivision located in the boundaries of the school district (Section 162.1310).

This is similar to SB 23 (2017).

#### HOME VISITS

The school board of any district that operates an underperforming attendance center must adopt a policy regarding the availability of home visits by attendance center personnel.

The school board's policy may offer to the parent or guardian of a student enrolled in any such attendance center the opportunity to have at least one annual home visit and must offer an opportunity for a meeting at the attendance center or a mutually agreeable site (Section 162.1313).

This is similar to SB 23 (2017).

#### SCHOOL FUNDING

This bill provides that funding for children who attend early childhood education programs in accredited school districts and charter schools that have declared themselves as a local education agency, and are included in the average daily attendance of such school districts and charter schools, shall be phased-in in the following manner: 20% of funding shall be allocated in the first school year after the foundation formula is fully funded; 40% shall be allocated in the second school year; 60% in the third school year; 80% in the fourth year; and 100% in the fifth and each succeeding year (Section 163.018).

This bill requires that, if a school district is required to remit tuition to a nonsectarian private school under the transfer provisions of this bill, the funds shall come from the funds derived from the operating levy for school purposes (Section 163.021).

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. The school board will be prohibited from using a weighted average daily attendance count from any preceding year for purposes of determining state aid (Section 163.036).

#### MOVIP

Currently, the parent or guardian of a child residing in a lapsed school district or in a district that has scored either unaccredited or provisionally accredited on two consecutive annual performance reports may enroll the child in the Missouri public virtual school. This bill repeals the requirement that the

district must have scored unaccredited or provisionally accredited on two consecutive APRs (Section 167.121).

This is similar to SB 23 (2017).

#### USE OF CERTAIN DATA FROM NEGLECTED CHILDREN AND DELINQUENT CHILDREN IN THE AGGREGATE DATA OF A SCHOOL DISTRICT

This bill restricts DESE from creating a report or publication related to the Missouri School Improvement Program that includes the data of any children in facilities serving neglected children or delinquent children in a district's aggregate scores (Section 167.127).

This is similar to SB 23 (2017).

#### K-8 SCHOOL DISTRICTS:

Currently, the school board of a school district that does not maintain an accredited attendance center is required to pay the tuition and transportation of resident pupils who attend an accredited attendance center in another district of the same or an adjoining county. This provision of law currently applies to both unaccredited school districts and K-8 school districts that do not offer high school grades. This bill repeals the provisions applicable to unaccredited school districts so that the statute only applies to K-8 school districts (Section 167.131).

This is similar to SB 23 (2017).

#### STUDENT PROMOTION

All underperforming districts in St. Louis County are prohibited from promoting any student from the fifth grade to the sixth grade or from the eighth grade to the ninth grade who is two years or more below grade level as measured by quantifiable student performance data designated by the local district. However, this provision does not apply to any student with an IEP or any student with a Section 504 Plan (Section 167.642).

This is similar to SB 23 (2017).

#### SCHOOL DISTRICT IMPROVEMENT MEASURES

Any unaccredited district must offer free tutoring and supplemental education services to underperforming and struggling students. Districts may use funds from the newly created School District Improvement Fund to the extent funds are available. An unaccredited district may satisfy the free tutoring services

requirement by entering into a contract with a public library for online tutoring services. In addition, an underperforming district may do any of the following: implement a new curriculum, as described in the bill; retain an outside expert to advise the district or attendance center on regaining accreditation; enter into a contract with an education management organization with a proven record of success to operate a school or schools within the district; enter into a collaborative relationship with an accredited district in which teachers from both districts exchange positions for two school weeks; or implement any other change suggested by the SBE, expert, contractor, or assistance team.

Any underperforming district may offer an attendance recovery program designed exclusively to allow students to recapture attendance hours lost due to absences. Attendance recovery hours may be included in the calculation of a district's attendance rate for purposes of the Missouri school improvement program accreditation scoring (Sections 167.685 and 167.688).

This is similar to SB 23 (2017).

#### STUDENT TRANSFERS

For school year 2017-2018, students who participated in the transfer program as it existed on July 1, 2016 will be allowed to participate under the same terms that governed the transfers in school year 2016-2017, except for the tuition amount. For school year 2017-2018, any student who transferred from an unaccredited district to an accredited district in the same or an adjoining county in school year 2015-2016 or school year 2016-2017 but did not attend a public school in the unaccredited district for the semester prior to the transfer, unless the student was entering kindergarten or first grade, will no longer be eligible to transfer in school year 2017-2018.

If an unaccredited district becomes classified as provisionally accredited or accredited without provisions, any resident student of the unaccredited district who participated in the transfer program as it existed on July 1, 2016, shall be permitted to continue his or her educational program through middle school, junior high, or high school. A student must have previously attended an attendance center in the sending district for at least one school year immediately before initially transferring, unless the student was entering kindergarten or first grade (Section 167.825).

Any student enrolled in and attending an unaccredited attendance center for at least the full school year immediately prior to transferring, may transfer to an accredited attendance center in

his or her district of residence that offers the student's grade level of enrollment. However, student transfers within the district of residence cannot result in a class size and assigned enrollment in a receiving attendance center that exceeds the standard level for class size and assigned enrollment under the Missouri School Improvement Program resource standards. The school board of each district that operates an unaccredited attendance center must determine the capacity at each of the district's accredited attendance centers. The district's school board is responsible for coordinating the transfers within the district. Students enrolled in and attending an attendance center only offering kindergarten through grade two are neither eligible to transfer to another attendance center nor under one of the transfer options described below (Section 167.826).

Any student who has first attempted and is unable to transfer to an accredited attendance center within his or her district of residence due to a lack of capacity at accredited attendance centers in the district of residence may apply by March 1 to DESE to transfer to an accredited attendance center in an adjoining district or an approved charter school in an adjoining district, as described in the bill (Section 167.826).

A student who is eligible to begin kindergarten or first grade at an unaccredited attendance center may apply to DESE for a transfer if he or she resides in the attendance area of the unaccredited attendance center on March 1 preceding the school year of first attendance. A student who does not apply by March 1 is required to enroll and attend for one semester to become eligible. Any transfer student who does not maintain residence in the attendance area of the attendance center will lose transfer eligibility. In addition, a student who withdraws from the transfer will also lose transfer eligibility (Section 167.826).

Unaccredited attendance centers and provisionally accredited attendance centers cannot receive transfer students except that a student who chooses to attend a provisionally accredited attendance center in his or her district of residence may do so if there is space available. A charter school that has existed for less than three years may receive students. A charter school that has a three-year average score of 70% or higher on its annual performance report may receive transfer students. In addition, no attendance center with a three-year average score of 70% or lower on its annual performance report is eligible to receive transfer students, except for any student who was granted a transfer prior to the effective date of this bill (Section 167.826).

Districts and charter schools that receive student transfers are not required to do any of the following (unless they choose to do

so): exceed the class size and assignment enrollment standards of a district-approved policy on class size; hire additional classroom teachers; or construct additional classrooms (Section 167.826).

Each receiving district and charter school has the right to establish a policy for desirable class size and student-teacher ratios based on objective means and will not be required to accept any transfer students that would violate its policy. A policy may allow for estimated growth in the resident student population. A charter school may use the class size, student-teacher ratios, and growth projections for student enrollment in its charter and charter application. A district or charter school that adopts a policy must do so by January 1. If a transfer student is denied admission based on a lack of space under a policy, the student may appeal to the SBE. The SBE may limit the policy if it finds the policy is unduly restrictive to student transfers. The SBE decision is final (Section 167.826).

Receiving districts and receiving approved charter schools must adopt a tuition rate policy by February 1 annually. Sending districts must pay tuition to receiving districts and receiving charter schools in two increments: one increment at the start of the school year and a second increment at the start of the second semester (Section 167.826).

If an unaccredited attendance center becomes provisionally accredited or accredited, any resident student who transferred under one of the transfer options will be permitted to continue his or her educational program through the completion of middle school, junior high, or high school, as described in the bill (Section 167.826).

For the specified districts that operate an unaccredited attendance center, DESE must designate at least one accredited attendance center to which the district must provide transportation for transfer students. When determining transportation arrangements, DESE shall not contract with or collaborate with any established regional association or cooperative of school districts located in St. Louis County or St. Louis City (Section 167.826).

When costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount, the transfer student's district of residence is responsible for paying the excess costs to the receiving district. When the receiving district is a component district of a special school district, the transfer student's district of residence must contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation. The special school district may contract with a

district operating an unaccredited attendance center for the provision of transportation. A special school district must continue to provide special education and related services, with the exception of transportation, to a student with a disability transferring from a district operating an unaccredited attendance center within the same or a different component district (Section 167.826).

When the St. Louis City School District operates an unaccredited attendance center, it is responsible for the provision of special education and related services, including transportation to students with disabilities. A special school district may contract with the St. Louis City School District, as described in the bill (Section 167.826).

Regardless of whether transportation is identified as a related service, a receiving district that is not part of a special school district is not responsible for providing transportation. A district operating an unaccredited attendance center may contract with a receiving district that is not part of a special school district for transportation. When districts other than St. Louis City operate unaccredited attendance centers, they may contract with a receiving district that is not part of a special school district for the reimbursement of special education services (Section 167.826).

By September 1, 2017, and by January 1 annually, each district must report to DESE the number of its available enrollment slots in accredited attendance centers by grade level. Each approved charter school that is eligible to receive transfer students must report the number of available enrollment slots (Section 167.827).

DESE 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 DESE by March 1. DESE will assign transfer students, as space allows. When assigning students to charter schools, DESE must coordinate with each charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school is not required to receive any transfer students that would require it to institute a lottery procedure for determining the admission of resident students. DESE 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 and apply to transfer to the same accredited attendance center. If insufficient grade-appropriate enrollment slots are available for a student to transfer, that student will receive first priority the following school year. DESE is only able to disrupt student and parent



choice for transfers if a receiving district's or receiving approved charter school's available slots are requested by more students than there are slots available. DESE must consider the following factors in assigning attendance centers: the student's or parent's choice of the receiving attendance center (most important); the best interests of the student; and distance and travel time. DESE must not consider student academic performance; student free and reduced lunch status; or athletics (Section 167.827).

DESE may deny a transfer to a student, who in the most recent school year, has been suspended from school two or more times or has been suspended for an act of school violence, as described in the bill (Section 167.827).

The test scores of transfer students attending attendance centers in districts other than their district of residence will be phased in over a four-year period, as described in the bill (Section 167.827).

DESE is prohibited from contracting or collaborating with any established regional association or cooperative of school districts located in St. Louis City or St. Louis County (Section 167.827).

Any student who has first attempted and is unable to transfer to an accredited attendance center within his or her district of residence due to a lack of capacity at accredited attendance centers may apply by March 1 to DESE to transfer to a nonsectarian private school located in the student's district of residence. The amount of tuition to be paid from the district's operating levy for school purposes and shall not exceed the nonsectarian private school's tuition rate. Nonsectarian private schools shall be eligible to receive transfer students only if it meets certain requirements, as described in the bill (Section 167.828).

A district operating an unaccredited attendance center that transfers a student to an accredited attendance center in an adjoining district, or to a nonsectarian private school, shall pay tuition to the receiving district or receiving nonsectarian private school, as described in the bill. If the tuition rate of the receiving district exceeds the tuition rate of the sending district, the difference in rates shall be paid from the Supplemental Tuition Fund, which is created by the bill. The Supplemental Tuition Fund shall not be used to pay any difference in tuition rates between a sending district and a nonsectarian private school (Section 167.829).

This is similar to SB 23 (2017), CCS/SCS/HCS/HB 42 (2015), SCS/SBs 1, 22, 49 & 70 (2015) and in CCS/HCS/SCS/SBs 493 et al. (2014).

## DEFINITIONS

Definitions governing the student transfer portions of this bill are provided (Section 167.848).

## COMPILATION OF TRANSFER STUDENT PERFORMANCE DATA

DESE must compile and maintain student performance data scores of all transfer students and students enrolled in a district other than the district of residence. This data must be available on the Missouri comprehensive data system but no personally identifiable data shall be accessible (Section 167.890).

This is similar to SB 23 (2017).

## PARENT PORTALS

This bill creates the Parent Portal Fund in the state treasury. Moneys in the fund may be used 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).

This is similar to SB 23 (2017).

## SCHOOL LEARNING TIME

The school board of any unaccredited district, provisionally accredited district, or district with a three-year average annual performance report score consistent with a classification of unaccredited or provisionally accredited, may, by a majority vote, increase the length of the school day and also increase the number of instruction hours above the statutory minimum. This bill creates the Extended Learning Time Fund in the state treasury. Moneys in the fund will be used for schools that extend the length of the school day or hours of instruction (Section 171.031).

This is similar to SB 23 (2017).

## CHILDREN'S SERVICES FUND

In St. Louis County, if there is an unaccredited or provisionally accredited school district, up to 5% of each fiscal year's revenues in the Children's Services Fund must be devoted to a grant program to deliver services to schools in those districts. The Children's Community Services Fund board of directors must undertake a needs assessment for any such school district within 90 days. The needs assessment must be used as a basis for contracting of services.

The board of directors must appoint one of its members to a direct school service coordinating committee. The additional members of the direct service coordinating committee shall be appointed as specified in the bill. The committee must provide recommendations and oversight to the program of contracted services. The use of funds is subject to an audit. This provision will terminate after fiscal year 2017 (Section 210.861).

This is similar to SB 23 (2017).

PROPONENTS: Supporters say that this bill gives parents the flexibility to decide what is best for their children.

Testifying for the bill were Senator Koenig; Jane Cunningham; Michael McShane; Missouri Century Foundation; Robyn Schelp; American Federation for Children; Foundation for Excellence in Education; Missouri Education Reform Council; Office of Missouri State Treasurer; and Lisa Smith.

OPPONENTS: Those who oppose the bill say that this bill will divert millions of dollars away from the Missouri public education system without any type of accountability to ensure that students are actually benefiting.

Testifying against the bill were Missouri Children's Leadership Council; Missouri National Education Association; School Administrators Coalition; Missouri Retired Teachers Association; Missouri Association of School Psychologists; Cooperating School Districts of Greater Kansas City; AFT Missouri; Dr. Dale Herl, Independence School District; Alliance For Childhood Education; Missouri School Board Association; Andy Underwood, Belton School District #124; and Missouri State Teachers Association.

OTHERS: Others testifying on the bill say there are no requirements to ensure that private schools are meeting the needs of students with disabilities.

Testifying on the bill were Missouri DESE and Michael D. Hodge, Special School District.