

SECOND REGULAR SESSION

HOUSE BILL NO. 2435

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTLER.

6142H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.1100, RSMo, and to enact in lieu thereof one new section relating to transitional school districts.

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

Section A. Section 162.1100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.1100, to read as follows:

162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any

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.

18 tax approved for the transitional district shall be assigned to the governing body of the school
19 district in a city not within a county after dissolution or termination of the transitional district.

20 (2) In the event that the state board of education shall declare the school district of a city
21 not within a county to be unaccredited, the member of the governing board of the transitional
22 district appointed by the governing body of the district as provided in subdivision (1) of this
23 subsection shall, within ninety days, be replaced by a chief executive officer nominated by the
24 state board of education and appointed by the governor with the advice and consent of the senate.
25 The chief executive officer need not be a resident of the district but shall be a person of
26 recognized administrative ability, shall be paid in whole or in part with funds from the district,
27 and shall have all other powers and duties of any other general superintendent of schools,
28 including appointment of staff. The chief executive officer shall serve for a term of three years
29 or until his **or her** successor is appointed or until the transitional district is dissolved or
30 terminated. His **or her** salary shall be set by the state board of education.

31 3. In the event that the school district loses its accreditation, upon the appointment of a
32 chief executive officer, any powers granted to any existing school board in a city not within a
33 county on or before August 28, 1998, shall be vested with the special administrative board of the
34 transitional school district containing such school district so long as the transitional school
35 district exists, except as otherwise provided in section 162.621.

36 4. The special administrative board's powers and duties shall include:

37 (1) Creating an academic accountability plan, taking corrective action in
38 underperforming schools, and seeking relief from state-mandated programs;

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

40 (3) Authority to contract with nonprofit corporations to provide for the operation of
41 schools;

42 (4) Oversight of facility planning, construction, improvement, repair, maintenance and
43 rehabilitation;

44 (5) Authority to establish school site councils to facilitate site-based school management
45 and to improve the responsiveness of the schools to the needs of the local geographic attendance
46 region of the school;

47 (6) Authority to submit a proposal to district voters pursuant to section 162.666
48 regarding establishment of neighborhood schools.

49 5. (1) The provisions of a final judgment as to the state of Missouri and its officials in
50 a school desegregation case which subjects a district in which a transitional district is located in
51 this state to a federal court's jurisdiction may authorize or require the governing body of a
52 transitional school district established under this section to establish the transitional district's
53 operating levy for school purposes, as defined pursuant to section 163.011, at a level not to

54 exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax
55 equivalent amount as determined by the department of elementary and secondary education
56 which may be substituted for all or part of such property tax.

57 (2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this
58 subsection shall:

59 (a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant
60 to sections 99.700 to 99.715; and

61 (b) Effective January 1, 2002, be subject to any new or existing tax increment financing
62 adopted by a city not within a county pursuant to sections 99.800 to 99.865 except that any
63 redevelopment plan and redevelopment project concerning a convention headquarters hotel
64 adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to
65 such tax increment financing.

66 (3) The transitional school district shall not be subject to the provisions of section
67 162.081, sections 163.021 and 163.023 with respect to any requirements to maintain a minimum
68 value of operating levy or any consequences provided by law for failure to levy at least such
69 minimum rate. No operating levy or increase in the operating levy or sales tax established
70 pursuant to this section shall be collected for a transitional school district unless prior approval
71 is obtained from a simple majority of the district's voters. The board of the transitional district
72 shall place the matter before the voters prior to March 15, 1999.

73 6. (1) The special administrative board established in this section shall develop,
74 implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall
75 be subject to review and approval of the state board of education. The plan shall ensure that all
76 students meet or exceed grade-level standards established by the state board of education
77 pursuant to section 160.514;

78 (2) The special administrative board shall establish student performance standards
79 consistent with the standards established by the state board of education pursuant to section
80 160.514 for preschool through grade twelve in all skill and subject areas, subject to review and
81 approval of the state board of education for the purpose of determining whether the standards are
82 consistent with standards established by the state board of education pursuant to section 160.514;

83 (3) All students in the district who do not achieve grade-level standards shall be required
84 to attend summer school; except that the provisions of this subsection shall not apply to students
85 receiving special education services pursuant to sections 162.670 to 162.999;

86 (4) No student shall be promoted to a higher grade level unless that student has a reading
87 ability at or above one grade level below the student's grade level; except that the provisions of
88 this subsection shall not apply to students receiving special education services pursuant to
89 sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. **If the transitional school district is classified as provisionally accredited or fully accredited, the state board of education shall terminate it and return governance to the elected board of the school district containing the territory of the dissolved transitional school district within thirty days of the district receiving the status of provisional accreditation or full accreditation, whichever occurs first. If the transitional school district is provisionally accredited or fully accredited before August 28, 2018, the state board of education shall terminate it at its first meeting to occur on or after August 28, 2018.** The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district

126 to be reestablished to accomplish the purposes established in this section. The state board of
127 education shall provide notice to the governor and general assembly of the termination or
128 reestablishment of the transitional school district and the termination or reestablishment shall
129 become effective thirty days following such determination. Upon dissolution of a transitional
130 school district pursuant to this section, nothing in this section shall be construed to reduce or
131 eliminate any power or duty of any school district or districts containing the territory of the
132 dissolved transitional school district unless such transitional school district is reestablished by
133 the state board of education pursuant to this section.

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