

FIRST REGULAR SESSION

HOUSE BILL NO. 567

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TERRY.

1277H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to special administrative boards for unaccredited school districts.

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

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows: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, the state board of education shall, upon a district's initial classification or reclassification as unaccredited:

(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.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources.

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 Such hearings shall be conducted at least twice annually for every year in which the district
19 remains unaccredited or provisionally accredited.

20 3. Upon classification of a district as unaccredited, the state board of education may:

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

23 (2) Lapse the corporate organization of all or part of the unaccredited district and:

24 (a) Appoint a special administrative board for the operation of all or part of the district.

25 If a special administrative board is appointed for the operation of a part of a school district, the
26 state board of education shall determine an equitable apportionment of state and federal aid for
27 the part of the district and the school district shall provide local revenue in proportion to the
28 weighted average daily attendance of the part. The number of members of the special
29 administrative board shall not be less than five, the majority of whom shall be residents of the
30 district. The members of the special administrative board shall reflect the population
31 characteristics of the district and shall collectively possess strong experience in school
32 governance, management and finance, and leadership. The state board of education may appoint
33 members of the district's elected school board to the special administrative board, but members
34 of the elected school board shall not comprise more than forty-nine percent of the special
35 administrative board's membership. Within fourteen days after the appointment by the state
36 board of education, the special administrative board shall organize by the election of a president,
37 vice president, secretary and a treasurer, with their duties and organization as enumerated in
38 section 162.301. The special administrative board shall appoint a superintendent of schools to
39 serve as the chief executive officer of the school district, or a subset of schools, and to have all
40 powers and duties of any other general superintendent of schools in a seven-director school
41 district. Any special administrative board appointed under this section shall be responsible for
42 the operation of the district or part of the district until such time that the district is classified by
43 the state board of education as provisionally accredited for at least two successive academic
44 years, after which time the state board of education ~~may~~ shall provide for a transition pursuant
45 to section 162.083; ~~or~~

46 (b) Determine an alternative governing structure for the district including, at a minimum:

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

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

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

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

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

60 (d) Establish one or more school districts within the territory of the lapsed district, with
61 a governance structure specified by the state board of education, with the option of permitting
62 a district to remain intact for the purposes of assessing, collecting, and distributing property
63 taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided
64 for operational purposes, which shall take effect sixty days after the adjournment of the regular
65 session of the general assembly next following the state board's decision unless a statute or
66 concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

67 4. If a district remains under continued governance by the school board under
68 subdivision (1) of subsection 3 of this section and either has been unaccredited for three
69 consecutive school years and failed to attain accredited status after the third school year or has
70 been unaccredited for two consecutive school years and the state board of education determines
71 its academic progress is not consistent with attaining accredited status after the third school year,
72 ~~then~~ the state board of education shall proceed under subdivision (2) of subsection 3 of this
73 section in the following school year.

74 5. A special administrative board or any other form of governance appointed under this
75 section shall retain the authority granted to a board of education for the operation of the lapsed
76 school district under the laws of the state in effect at the time of the lapse and may enter into
77 contracts with accredited school districts or other education service providers in order to deliver
78 high-quality educational programs to the residents of the district. If a student graduates while
79 attending a school building in the district that is operated under a contract with an accredited
80 school district as specified under this subsection, the student shall receive ~~his or her~~ **the**
81 **student's** diploma from the accredited school district. The authority of the special administrative
82 board or any other form of governance appointed under this section shall expire at the end of the
83 third full school year following its appointment, unless extended by the state board of education.
84 If the lapsed district is reassigned, the governing board prior to lapse shall provide an accounting
85 of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and
86 liabilities of the lapsed district as determined by the state board of education. Neither the special
87 administrative board nor any other form of governance appointed under this section nor its
88 members or employees shall be deemed to be the state or a state agency for any purpose,
89 including section 105.711~~[,]~~ et seq. The state of Missouri, its agencies and employees shall be

90 absolutely immune from liability for any and all acts or omissions relating to or in any way
91 involving the lapsed district, a special administrative board, any other form of governance
92 appointed under this section, or the members or employees of the lapsed district, a special
93 administrative board, or any other form of governance appointed under this section. Such
94 immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of
95 education, their members and their employees shall be available to the special administrative
96 board or any other form of governance appointed under this section and the members and
97 employees of the special administrative board or any other form of governance appointed under
98 this section.

99 6. Neither the special administrative board nor any other form of governance appointed
100 under this section nor any district or other entity assigned territory, assets or funds from a lapsed
101 district shall be considered a successor entity for the purpose of employment contracts,
102 unemployment compensation payment pursuant to section 288.110, or any other purpose.

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

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

110 9. If the state board of education reasonably believes that a school district is unlikely to
111 provide for the minimum school term required by section 163.021 because of financial difficulty,
112 the state board of education may, prior to the start of the school term:

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

115 (2) Lapse the corporate organization of the district and implement one of the options
116 available under subdivision (2) of subsection 3 of this section.

117 10. The provisions of subsection 9 of this section shall not apply to any district solely
118 on the basis of financial difficulty resulting from paying tuition and providing transportation for
119 transfer students under sections 167.895 and 167.898.

✓