

FIRST REGULAR SESSION

# HOUSE BILL NO. 387

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TERRY.

1154H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to special administrative boards for unaccredited school districts.

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

Section A. Sections 162.081 and 162.083, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 162.081 and 162.083, to read as follows:

162.081. 1. Whenever any school district in this state fails or refuses in any school  
2 year to provide for the minimum school term required by section 163.021 or is classified  
3 unaccredited, the state board of education shall, upon a district's initial classification or  
4 reclassification as unaccredited:

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

7 (2) Determine the date the district shall lapse and determine an alternative governing  
8 structure for the district **as provided in this section.**

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

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 resources. Such hearings shall be conducted at least twice annually for every year in which  
19 the district 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  
22 under terms and conditions established by the state board of education; or

23 (2) ~~[Lapse the corporate organization of all or part]~~ **Suspend the governing or**  
24 **managing authority of the elected school board members** of the unaccredited district and:

25 (a) Appoint a special administrative board for the operation of ~~[all or part of]~~ the  
26 district. ~~[If a special administrative board is appointed for the operation of a part of a school~~  
27 ~~district, the state board of education shall determine an equitable apportionment of state and~~  
28 ~~federal aid for the part of the district and the school district shall provide local revenue in~~  
29 ~~proportion to the weighted average daily attendance of the part.]~~ The number of members of

30 the special administrative board shall ~~[not]~~ be ~~[less than five, the majority]~~ **seven, four** of  
31 whom shall be residents of the district, **provided that individuals possessing the**  
32 **qualifications set forth in this paragraph are ready, willing, and able to serve.** The  
33 members of the special administrative board shall reflect the population characteristics of the  
34 district and shall collectively possess strong experience in school governance, management  
35 and finance, and leadership. **One member shall be a certified public school teacher from**  
36 **outside of the district or retired, one shall be a certified public school principal from**  
37 **outside of the district or retired, one shall be a certified public school superintendent or**  
38 **deputy or associate superintendent from outside of the district or retired, two shall be**  
39 **parents who have been active with the Parent-Teacher Association or a similar**  
40 **organization of the district, one shall be a college or university professor of educational**  
41 **administration, and one shall hold a degree and be experienced in accounting or finance.**

42 **The special administrative board shall meet at least once per month. Each member of**  
43 **the special administrative board shall receive a salary of five hundred dollars per month**  
44 **and shall be reimbursed for reasonable expenses incurred in the performance of duties**  
45 **as a member of the special administrative board, with such funds to be paid from the**  
46 **district's revenue. Each member of the special administrative board shall be appointed**  
47 **to a term of three years and shall serve until a successor is appointed and qualified**  
48 **unless sooner removed for good cause shown by the state board of education. Within**  
49 **thirty days after the state board of education votes to appoint a member to the special**  
50 **administrative board, if a member of the house of representatives whose district touches**  
51 **the school district, in whole or in part, submits a request to the president pro tempore of**  
52 **the senate, the appointment shall be subject to the advice and consent of the senate. The**

53 ~~[state board of education may appoint]~~ members of the district's elected school board ~~[to]~~  
54 **shall be ex officio, nonvoting members of** the special administrative board~~], but members of~~

55 ~~the elected school board shall not comprise more than forty nine percent of the special~~  
56 ~~administrative board's membership] and may attend and have a voice in the meetings and~~  
57 **committees of the special administrative board. The residents of the district shall**  
58 **continue to elect such ex officio members to the school board.** Within fourteen days after  
59 the appointment by the state board of education, the special administrative board shall  
60 organize by the election of a president, vice president, secretary and a treasurer, with their  
61 duties and organization as enumerated in section 162.301. The special administrative board  
62 shall appoint a superintendent of schools to serve as the chief executive officer of the school  
63 district~~[, or a subset of schools,]~~ and to have all powers and duties of any other general  
64 superintendent of schools in a seven-director school district. Any special administrative  
65 board appointed under this section shall be responsible for the operation of the district ~~[or part~~  
66 ~~of the district]~~ until such time that the district is classified by the state board of education as  
67 provisionally accredited for at least two successive academic years, after which time the state  
68 board of education ~~[may]~~ **shall** provide for a transition pursuant to section 162.083; ~~[or]~~

69 (b) **Upon the failure of the district to be classified as provisionally or fully**  
70 **accredited for at least two successive academic years, the state board of education shall**  
71 **require the special administrative board to establish a specific plan and timeline for**  
72 **achieving accreditation and** determine an alternative governing structure for the district  
73 including, at a minimum:

74 a. ~~[A rationale for the decision to use an alternative form of governance and]~~ In the  
75 absence of the district's achievement of **provisional or** full accreditation, ~~[the state board of~~  
76 ~~education shall]~~ a review ~~[and recertify the alternative form of governance]~~ **of the special**  
77 **administrative board and a requirement for the special administrative board to appoint**  
78 **a new superintendent of the school district** every three years;

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

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

83 d. Annual reports to the general assembly and the governor on the progress towards  
84 accreditation of any district that has been declared unaccredited and is placed under ~~[an~~  
85 ~~alternative form of]~~ governance **of a special administrative board**, including a review of the  
86 effectiveness of the ~~[alternative governance]~~ **special administrative board**; or

87 (c) Attach the territory of the lapsed district to another district or districts for school  
88 purposes~~]; or~~

89 ~~(d) Establish one or more school districts within the territory of the lapsed district,~~  
90 ~~with a governance structure specified by the state board of education, with the option of~~  
91 ~~permitting a district to remain intact for the purposes of assessing, collecting, and distributing~~

92 ~~property taxes, to be distributed equitably on a weighted average daily attendance basis, but to~~  
93 ~~be divided for operational purposes, which shall take effect sixty days after the adjournment~~  
94 ~~of the regular session of the general assembly next following the state board's decision unless~~  
95 ~~a statute or concurrent resolution is enacted to nullify the state board's decision prior to such~~  
96 ~~effective date].~~

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

104 5. A special administrative board ~~[or any other form of governance]~~ appointed under  
105 this section shall retain the authority granted to a board of education for the operation of the  
106 lapsed school district under the laws of the state in effect at the time of the lapse and may  
107 enter into contracts with accredited school districts or other education service providers in  
108 order to deliver high-quality educational programs to the residents of the district. If a student  
109 graduates while attending a school building in the district that is operated under a contract  
110 with an accredited school district as specified under this subsection, the student shall receive  
111 ~~[his or her]~~ **such student's** diploma from the accredited school district. The authority of the  
112 special administrative board ~~[or any other form of governance]~~ appointed under this section  
113 shall expire at the end of the third full school year following its appointment, unless extended  
114 by the state board of education **for no more than three full school years. No additional**  
115 **extensions shall be granted. Governance of the school district shall be returned to the**  
116 **elected board upon the expiration of the authority of the special administrative board.**  
117 If the lapsed district is reassigned, the governing board prior to lapse shall provide an  
118 accounting of all funds, assets and liabilities of the lapsed district and transfer such funds,  
119 assets, and liabilities of the lapsed district as determined by the state board of education.  
120 Neither the special administrative board ~~[nor any other form of governance]~~ appointed under  
121 this section nor its members or employees shall be deemed to be the state or a state agency for  
122 any purpose, including section 105.711[5] et seq. The state of Missouri, its agencies and  
123 employees shall be absolutely immune from liability for any and all acts or omissions relating  
124 to or in any way involving the lapsed district, a special administrative board~~[-, any other form~~  
125 ~~of governance]~~ appointed under this section, or the members or employees of the lapsed  
126 district~~[-, a]~~ **or** special administrative board~~[-, or any other form of governance]~~ appointed  
127 under this section. Such immunities, and immunity doctrines as exist or may hereafter exist  
128 benefitting boards of education, their members and their employees shall be available to the

129 special administrative board ~~[or any other form of governance]~~ appointed under this section  
130 and the members and employees of the special administrative board ~~[or any other form of~~  
131 ~~governance]~~ appointed under this section.

132 6. Neither the special administrative board ~~[nor any other form of governance]~~  
133 appointed under this section nor any district or other entity assigned territory, assets or funds  
134 from a lapsed district shall be considered a successor entity for the purpose of employment  
135 contracts, unemployment compensation payment pursuant to section 288.110, or any other  
136 purpose.

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

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

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

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

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

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

162.083. 1. ~~[The state board of education may appoint additional members to any  
2 special administrative board appointed under section 162.081.~~

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

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

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

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

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

14           ~~[4.]~~ **2. No later than six full school years following appointment of the special**  
15 **administrative board,** on a date set by the state board of education, any district operating  
16 under the governance of a special administrative board shall return to local governance, and  
17 continue operation as a school district as otherwise authorized by law.

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