

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 42**  
**98TH GENERAL ASSEMBLY**

0046H.14T

2015

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**AN ACT**

To repeal sections 163.011 and 163.031 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.018, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof fifty-one new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 163.011 and 163.031, as enacted by house bill no. 1689, ninety-  
2 seventh general assembly, second regular session, and sections 160.011, 160.400, 160.403,  
3 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 162.1250, 163.018, 163.036, 167.121,  
4 167.131, 171.031, and 210.861, RSMo, are repealed and fifty-one new sections enacted in lieu  
5 thereof, to be known as sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410,  
6 160.415, 160.417, 160.425, 161.084, 161.087, 161.238, 161.1000, 161.1005, 162.081, 162.1250,  
7 162.1303, 162.1305, 162.1310, 162.1313, 163.011, 163.018, 163.031, 163.036, 167.121,  
8 167.127, 167.131, 167.132, 167.642, 167.685, 167.688, 167.730, 167.825, 167.826, 167.827,  
9 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 167.890, 170.215, 170.320,  
10 171.031, 177.015, 210.861, 633.420, 1, and 2, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and  
2 178, the following terms mean:

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.

- 3 (1) "District" or "school district", when used alone, may include seven-director, urban,  
4 and metropolitan school districts;
- 5 (2) "Elementary school", a public school giving instruction in a grade or grades not  
6 higher than the eighth grade;
- 7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of  
8 sufficient duration, to make sustainable changes in families that include:
- 9 (a) Interactive literacy activities between parents and their children;
- 10 (b) Training of parents regarding how to be the primary teacher of their children and full  
11 partners in the education of their children;
- 12 (c) Parent literacy training that leads to high school completion and economic self  
13 sufficiency; and
- 14 (d) An age-appropriate education to prepare children of all ages for success in school;
- 15 (4) "Graduation rate", the [quotient of the number of graduates in the current year as of  
16 June thirtieth divided by the sum of the number of graduates in the current year as of June  
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number  
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who  
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in  
20 the third preceding year] **graduation rate determined by the annual performance report  
21 required by the Missouri school improvement program;**
- 22 (5) "High school", a public school giving instruction in a grade or grades not lower than  
23 the ninth nor higher than the twelfth grade;
- 24 (6) "Metropolitan school district", any school district the boundaries of which are  
25 coterminous with the limits of any city which is not within a county;
- 26 (7) "Public school" includes all elementary and high schools operated at public expense;
- 27 (8) "School board", the board of education having general control of the property and  
28 affairs of any school district;
- 29 (9) "School term", a minimum of one hundred seventy-four school days, as that term is  
30 defined in section 160.041, for schools with a five-day school week or a minimum of one  
31 hundred forty-two school days, as that term is defined in section 160.041, for schools with a  
32 four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled  
33 by the board pursuant to section 171.031 during a twelve-month period in which the academic  
34 instruction of pupils is actually and regularly carried on for a group of students in the public  
35 schools of any school district. A school term may be within a school year or may consist of parts  
36 of two consecutive school years, but does not include summer school. A district may choose to  
37 operate two or more terms for different groups of children. A school term for students  
38 participating in a school flex program as established in section 160.539 may consist of a  
39 combination of actual pupil attendance and attendance at college or technical career education

40 or approved employment aligned with the student's career academic plan for a total of one  
41 thousand forty-four hours;

42 (10) "Secretary", the secretary of the board of a school district;

43 (11) "Seven-director district", any school district which has seven directors and includes  
44 urban districts regardless of the number of directors an urban district may have unless otherwise  
45 provided by law;

46 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision  
47 thereof within the immediately preceding twelve-month period or the spouse of such individual;

48 (13) "Town", any town or village, whether or not incorporated, the plat of which has  
49 been filed in the office of the recorder of deeds of the county in which it is situated;

50 (14) "Urban school district", any district which includes more than half of the population  
51 or land area of any city which has not less than seventy thousand inhabitants, other than a city  
52 which is not within a county.

160.400. 1. A charter school is an independent public school.

2 2. Except as further provided in subsection 4 of this section, charter schools may be  
3 operated [only]:

4 (1) In a metropolitan school district;

5 (2) In an urban school district containing most or all of a city with a population greater  
6 than three hundred fifty thousand inhabitants;

7 (3) In a school district that has been [declared] **classified as unaccredited by the state**  
8 **board of education**;

9 (4) In a school district that has been classified as provisionally accredited by the state  
10 board of education [and has received scores on its annual performance report consistent with a  
11 classification of provisionally accredited or unaccredited for three consecutive school years  
12 beginning with the 2012-13 accreditation year under the following conditions:

13 (a) The eligibility for charter schools of any school district whose provisional  
14 accreditation is based in whole or in part on financial stress as defined in sections 161.520 to  
15 161.529, or on financial hardship as defined by rule of the state board of education, shall be  
16 decided by a vote of the state board of education during the third consecutive school year after  
17 the designation of provisional accreditation; and

18 (b) The sponsor is limited to the local school board or a sponsor who has met the  
19 standards of accountability and performance as determined by the department based on sections  
20 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department]; [or]

21 (5) In a school district that has been accredited without provisions, sponsored only by  
22 the local school board; provided that no board with a current year enrollment of one thousand  
23 five hundred fifty students or greater shall permit more than thirty-five percent of its student  
24 enrollment to enroll in charter schools sponsored by the local board under the authority of this

25 subdivision, except that this restriction shall not apply to any school district that subsequently  
26 becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited  
27 without provisions that sponsors charter schools prior to having a current year student enrollment  
28 of one thousand five hundred fifty students or greater;

29 **(6) In any school district that has most or all of its land area located in a county**  
30 **with a charter form of government and with more than six hundred thousand but fewer**  
31 **than seven hundred thousand inhabitants, except for any district in such county that is**  
32 **accredited without provisions by the state board of education and that has a resident pupil**  
33 **enrollment of less than three thousand; or**

34 **(7) In any school district that has most or all of its land area located in a county**  
35 **with a charter form of government and with more than nine hundred fifty thousand**  
36 **inhabitants.**

37 3. Except as further provided in subsection 4 of this section, the following entities are  
38 eligible to sponsor charter schools:

39 (1) The school board of the district in any district which is sponsoring a charter school  
40 as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section,  
41 the special administrative board of a metropolitan school district during any time in which  
42 powers granted to the district's board of education are vested in a special administrative board,  
43 or if the state board of education appoints a special administrative board to retain the authority  
44 granted to the board of education of an urban school district containing most or all of a city with  
45 a population greater than three hundred fifty thousand inhabitants, the special administrative  
46 board of such school district;

47 (2) A public four-year college or university with an approved teacher education program  
48 that meets regional or national standards of accreditation;

49 (3) A community college, the service area of which encompasses some portion of the  
50 district;

51 (4) Any private four-year college or university with an enrollment of at least one  
52 thousand students, with its primary campus in Missouri, and with an approved teacher  
53 preparation program;

54 (5) Any two-year private vocational or technical school designated as a 501(c)(3)  
55 nonprofit organization under the Internal Revenue Code of 1986, as amended, [which is a  
56 member of the North Central Association] and accredited by the Higher Learning Commission,  
57 with its primary campus in Missouri; [or]

58 (6) The Missouri charter public school commission created in section 160.425.

59 4. [Changes in a school district's accreditation status that affect charter schools shall be  
60 addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection  
61 2 of this section:

62 (1) As a district transitions from unaccredited to provisionally accredited, the district  
63 shall continue to fall under the requirements for an unaccredited district until it achieves three  
64 consecutive full school years of provisional accreditation;

65 (2) As a district transitions from provisionally accredited to full accreditation, the district  
66 shall continue to fall under the requirements for a provisionally accredited district until it  
67 achieves three consecutive full school years of full accreditation;

68 (3)] (1) In any school district classified as unaccredited or provisionally accredited  
69 where a charter school is operating and is sponsored by an entity other than the local school  
70 board, when the school district becomes classified as accredited without provisions, a charter  
71 school may continue to be sponsored by the entity sponsoring it prior to the classification of  
72 accredited without provisions and shall not be limited to the local school board as a sponsor.

73 (2) A charter school operating in a school district identified in subdivision (1) or (2) of  
74 subsection 2 of this section may be sponsored by any of the entities identified in subsection 3 of  
75 this section, irrespective of the accreditation classification of the district in which it is located.  
76 A charter school in a district described in this subsection whose charter provides for the addition  
77 of grade levels in subsequent years may continue to add levels until the planned expansion is  
78 complete to the extent of grade levels in comparable schools of the district in which the charter  
79 school is operated.

80 5. The mayor of a city not within a county may request a sponsor under subdivision (2),  
81 (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter  
82 school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with  
83 the ability to target prospective students whose parent or parents are employed in a business  
84 district, as defined in the charter, which is located in the city.

85 6. No sponsor shall receive from an applicant for a charter school any fee of any type for  
86 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the  
87 promise of future payment of any kind.

88 7. The charter school shall be organized as a Missouri nonprofit corporation incorporated  
89 pursuant to chapter 355. The charter provided for herein shall constitute a contract between the  
90 sponsor and the charter school.

91 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school  
92 shall select the method for election of officers pursuant to section 355.326 based on the class of  
93 corporation selected. Meetings of the governing board of the charter school shall be subject to  
94 the provisions of sections 610.010 to 610.030.

95 9. A sponsor of a charter school, its agents and employees are not liable for any acts or  
96 omissions of a charter school that it sponsors, including acts or omissions relating to the charter  
97 submitted by the charter school, the operation of the charter school and the performance of the  
98 charter school.

99           10. A charter school may affiliate with a four-year college or university, including a  
100 private college or university, or a community college as otherwise specified in subsection 3 of  
101 this section when its charter is granted by a sponsor other than such college, university or  
102 community college. Affiliation status recognizes a relationship between the charter school and  
103 the college or university for purposes of teacher training and staff development, curriculum and  
104 assessment development, use of physical facilities owned by or rented on behalf of the college  
105 or university, and other similar purposes. A university, college or community college may not  
106 charge or accept a fee for affiliation status.

107           11. The expenses associated with sponsorship of charter schools shall be defrayed by the  
108 department of elementary and secondary education retaining one and five-tenths percent of the  
109 amount of state and local funding allocated to the charter school under section 160.415, not to  
110 exceed one hundred twenty-five thousand dollars, adjusted for inflation. The department of  
111 elementary and secondary education shall remit the retained funds for each charter school to the  
112 school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship  
113 obligations under sections 160.400 to 160.425 and 167.349 with regard to each charter school  
114 it sponsors, including appropriate demonstration of the following:

115           (1) Expends no less than ninety percent of its charter school sponsorship funds in support  
116 of its charter school sponsorship program, or as a direct investment in the sponsored schools;

117           (2) Maintains a comprehensive application process that follows fair procedures and  
118 rigorous criteria and grants charters only to those developers who demonstrate strong capacity  
119 for establishing and operating a quality charter school;

120           (3) Negotiates contracts with charter schools that clearly articulate the rights and  
121 responsibilities of each party regarding school autonomy, expected outcomes, measures for  
122 evaluating success or failure, performance consequences **aligned with annual performance**  
123 **report evaluations of public schools**, and other material terms;

124           (4) Conducts contract oversight that evaluates performance, monitors compliance,  
125 informs intervention and renewal decisions, and ensures autonomy provided under applicable  
126 law; and

127           (5) Designs and implements a transparent and rigorous process that uses comprehensive  
128 data to make merit-based renewal decisions.

129           12. Sponsors receiving funds under subsection 11 of this section shall be required to  
130 submit annual reports to the joint committee on education demonstrating they are in compliance  
131 with subsection 17 of this section.

132           13. No university, college or community college shall grant a charter to a nonprofit  
133 corporation if an employee of the university, college or community college is a member of the  
134 corporation's board of directors.

135           14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349  
136 without ensuring that a criminal background check and family care safety registry check are  
137 conducted for all members of the governing board of the charter schools or the incorporators of  
138 the charter school if initial directors are not named in the articles of incorporation, nor shall a  
139 sponsor renew a charter without ensuring a criminal background check and family care **safety**  
140 registry check are conducted for each member of the governing board of the charter school.

141           15. No member of the governing board of a charter school shall hold any office or  
142 employment from the board or the charter school while serving as a member, nor shall the  
143 member have any substantial interest, as defined in section 105.450, in any entity employed by  
144 or contracting with the board. No board member shall be an employee of a company that  
145 provides substantial services to the charter school. All members of the governing board of the  
146 charter school shall be considered decision-making public servants as defined in section 105.450  
147 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,  
148 105.487, and 105.489.

149           16. A sponsor shall develop the policies and procedures for:

150           (1) The review of a charter school proposal including an application that provides  
151 sufficient information for rigorous evaluation of the proposed charter and provides clear  
152 documentation that the education program and academic program are aligned with the state  
153 standards and grade-level expectations, and provides clear documentation of effective  
154 governance and management structures, and a sustainable operational plan;

155           (2) The granting of a charter;

156           (3) The performance [framework] **contract** that the sponsor will use to evaluate the  
157 performance of charter schools. **Charter schools shall meet current state academic**  
158 **performance standards as well as other standards agreed upon by the sponsor and the**  
159 **charter school in the performance contract;**

160           (4) The sponsor's intervention, renewal, and revocation policies, including the conditions  
161 under which the charter sponsor may intervene in the operation of the charter school, along with  
162 actions and consequences that may ensue, and the conditions for renewal of the charter at the end  
163 of the term, consistent with subsections 8 and 9 of section 160.405;

164           (5) Additional criteria that the sponsor will use for ongoing oversight of the charter; and

165           (6) Procedures to be implemented if a charter school should close, consistent with the  
166 provisions of subdivision (15) of subsection 1 of section 160.405. The department shall provide  
167 guidance to sponsors in developing such policies and procedures.

168           17. (1) A sponsor shall provide timely submission to the state board of education of all  
169 data necessary to demonstrate that the sponsor is in material compliance with all requirements  
170 of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure  
171 each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and

172 167.349 for each charter school sponsored by any sponsor. The state board shall notify each  
173 sponsor of the standards for sponsorship of charter schools, delineating both what is mandated  
174 by statute and what best practices dictate. The state board shall evaluate sponsors to determine  
175 compliance with these standards every three years. The evaluation shall include a sponsor's  
176 policies and procedures in the areas of charter application approval; required charter agreement  
177 terms and content; sponsor performance evaluation and compliance monitoring; and charter  
178 renewal, intervention, and revocation decisions. Nothing shall preclude the department from  
179 undertaking an evaluation at any time for cause.

180 (2) If the department determines that a sponsor is in material noncompliance with its  
181 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If  
182 remediation does not address the compliance issues identified by the department, the  
183 commissioner of education shall conduct a public hearing and thereafter provide notice to the  
184 charter sponsor of corrective action that will be recommended to the state board of education.  
185 Corrective action by the department may include withholding the sponsor's funding and  
186 suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor  
187 any additional school until the sponsor is reauthorized by the state board of education under  
188 section 160.403.

189 (3) The charter sponsor may, within thirty days of receipt of the notice of the  
190 commissioner's recommendation, provide a written statement and other documentation to show  
191 cause as to why that action should not be taken. Final determination of corrective action shall  
192 be determined by the state board of education based upon a review of the documentation  
193 submitted to the department and the charter sponsor.

194 (4) If the state board removes the authority to sponsor a currently operating charter  
195 school under any provision of law, the Missouri charter public school commission shall become  
196 the sponsor of the school.

197 **18. If a sponsor notifies a charter school of closure under subsection 8 of section**  
198 **160.405, the department of elementary and secondary education shall exercise its financial**  
199 **withholding authority under subsection 13 of section 160.415 to assure all obligations of**  
200 **the charter school shall be met. The state, charter sponsor, or resident district shall not be**  
201 **liable for any outstanding liability or obligations of the charter school.**

160.403. 1. The department of elementary and secondary education shall establish an  
2 annual application and approval process for all entities eligible to sponsor charters as set forth  
3 in section 160.400 which are not sponsoring a charter school as of August 28, 2012, **except that**  
4 **the Missouri charter public school commission shall not be required to undergo the**  
5 **application and approval process.** No later than November 1, 2012, the department shall make  
6 available information and guidelines for all eligible sponsors concerning the opportunity to apply  
7 for sponsoring authority under this section.



8           2. The application process for sponsorship shall require each interested eligible sponsor,  
9 **except for the Missouri charter public school commission**, to submit an application by  
10 February first that includes the following:

11           (1) Written notification of intent to serve as a charter school sponsor in accordance with  
12 sections 160.400 to 160.425 and section 167.349;

13           (2) Evidence of the applicant sponsor's budget and personnel capacity;

14           (3) An outline of the request for proposal that the applicant sponsor would, if approved  
15 as a charter sponsor, issue to solicit charter school applicants consistent with sections 160.400  
16 to 160.425 **and section 167.349**;

17           (4) The performance [framework] **contract** that the applicant sponsor would, if approved  
18 as a charter sponsor, use to [guide the establishment of a charter contract and for ongoing  
19 oversight and a description of how it would] evaluate the charter schools it sponsors; and

20           (5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent  
21 with section 160.405.

22           3. By April first of each year, the department shall decide whether to grant or deny a  
23 sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant  
24 charter's compliance with sections 160.400 to 160.425 **and section 167.349** and properly  
25 promulgated rules of the department.

26           4. Within thirty days of the department's decision, the department shall execute a  
27 renewable sponsoring contract with each entity it has approved as a sponsor. The term of each  
28 authorizing contract shall be six years and renewable. [No eligible sponsor which is not currently  
29 sponsoring a charter school as of August 28, 2012, shall commence charter sponsorship without  
30 approval from the state board of education and a sponsor contract with the state board of  
31 education in effect.]

160.405. 1. A person, group or organization seeking to establish a charter school shall  
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a  
3 school board, the applicant shall give a copy of its application to the school board of the district  
4 in which the charter school is to be located and to the state board of education, within five  
5 business days of the date the application is filed with the proposed sponsor. The school board  
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may  
7 file objections with the state board of education. The charter shall [be] **include** a legally binding  
8 performance contract that describes the obligations and responsibilities of the school and the  
9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall [also include]  
10 **address the following**:

11           (1) A mission and vision statement for the charter school;

12           (2) A description of the charter school's organizational structure and bylaws of the  
13 governing body, which will be responsible for the policy, financial management, and operational

14 decisions of the charter school, including the nature and extent of parental, professional educator,  
15 and community involvement in the governance and operation of the charter school;

16 (3) A financial plan for the first three years of operation of the charter school including  
17 provisions for annual audits;

18 (4) A description of the charter school's policy for securing personnel services, its  
19 personnel policies, personnel qualifications, and professional development plan;

20 (5) A description of the grades or ages of students being served;

21 (6) The school's calendar of operation, which shall include at least the equivalent of a  
22 full school term as defined in section 160.011;

23 (7) A description of the charter school's pupil performance standards and academic  
24 program performance standards, which shall meet the requirements of subdivision (6) of  
25 subsection 4 of this section. The charter school program shall be designed to enable each pupil  
26 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and  
27 targets for academic program performance, including specific goals on graduation rates and  
28 standardized test performance and academic growth;

29 (8) A description of the charter school's educational program and curriculum;

30 (9) The term of the charter, which shall be five years and [shall] **may** be [renewable]  
31 **renewed**;

32 (10) Procedures, consistent with the Missouri financial accounting manual, for  
33 monitoring the financial accountability of the charter, which shall meet the requirements of  
34 subdivision (4) of subsection 4 of this section;

35 (11) Preopening requirements for applications that require that charter schools meet all  
36 health, safety, and other legal requirements prior to opening;

37 (12) A description of the charter school's policies on student discipline and student  
38 admission, which shall include a statement, where applicable, of the validity of attendance of  
39 students who do not reside in the district but who may be eligible to attend under the terms of  
40 judicial settlements and procedures that ensure admission of students with disabilities in a  
41 nondiscriminatory manner;

42 (13) A description of the charter school's grievance procedure for parents or guardians;

43 (14) A description of the agreement **and time frame for implementation** between the  
44 charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a  
45 sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when  
46 a sponsor will not renew a charter under subsection 9 of this section;

47 (15) Procedures to be implemented if the charter school should close, as provided in  
48 subdivision (6) of subsection 16 of section 160.400 including:

49 (a) Orderly transition of student records to new schools and archival of student records;

50 (b) Archival of business operation and transfer or repository of personnel records;

- 51 (c) Submission of final financial reports;
- 52 (d) Resolution of any remaining financial obligations; [and]
- 53 (e) Disposition of the charter school's assets upon closure; **and**
- 54 (f) A notification plan to inform parents or guardians of students, the local school  
55 district, the retirement system in which the charter school's employees participate, and the state  
56 board of education within thirty days of the decision to close;
- 57 (16) A description of the special education and related services that shall be available  
58 to meet the needs of students with disabilities; and
- 59 (17) For all new or revised charters, procedures to be used upon closure of the charter  
60 school requiring that unobligated assets of the charter school be returned to the department of  
61 elementary and secondary education for their disposition, which upon receipt of such assets shall  
62 return them to the local school district in which the school was located, the state, or any other  
63 entity to which they would belong.
- 64
- 65 Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the  
66 requirements of this subsection.
- 67 2. Proposed charters shall be subject to the following requirements:
- 68 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and  
69 procedures for review and granting of a charter approval, and be approved by the state board of  
70 education by [December first of the year] **January thirty-first** prior to **the school year of the**  
71 proposed opening date of the charter school;
- 72 (2) A charter may be approved when the sponsor determines that the requirements of this  
73 section are met, determines that the applicant is sufficiently qualified to operate a charter school,  
74 and that the proposed charter is consistent with the sponsor's charter sponsorship goals and  
75 capacity. The sponsor's decision of approval or denial shall be made within ninety days of the  
76 filing of the proposed charter;
- 77 (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as  
78 to the reasons for its denial and forward a copy to the state board of education within five  
79 business days following the denial;
- 80 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted  
81 to the state board of education, along with the sponsor's written reasons for its denial. If the state  
82 board determines that the applicant meets the requirements of this section, that the applicant is  
83 sufficiently qualified to operate the charter school, and that granting a charter to the applicant  
84 would be likely to provide educational benefit to the children of the district, the state board may  
85 grant a charter and act as sponsor of the charter school. The state board shall review the  
86 proposed charter and make a determination of whether to deny or grant the proposed charter  
87 within sixty days of receipt of the proposed charter, provided that any charter to be considered

88 by the state board of education under this subdivision shall be submitted no later than March first  
89 prior to the school year in which the charter school intends to begin operations. The state board  
90 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

91 (5) The sponsor of a charter school shall give priority to charter school applicants that  
92 propose a school oriented to high-risk students and to the reentry of dropouts into the school  
93 system. If a sponsor grants three or more charters, at least one-third of the charters granted by  
94 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student  
95 body and address the needs of dropouts or high-risk students through their proposed mission,  
96 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"  
97 student is one who is at least one year behind in satisfactory completion of course work or  
98 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out  
99 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended  
100 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,  
101 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is  
102 homeless or has been homeless sometime within the preceding six months, has been referred by  
103 an area school district for enrollment in an alternative program, or qualifies as high risk under  
104 department of elementary and secondary education guidelines. "Dropout" shall be defined  
105 through the guidelines of the school core data report. The provisions of this subsection do not  
106 apply to charters sponsored by the state board of education.

107 3. If a charter is approved by a sponsor, the charter application shall be submitted to the  
108 state board of education, along with a statement of finding **by the sponsor** that the application  
109 meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring  
110 plan under which the charter sponsor shall evaluate the academic performance, **including**  
111 **annual performance reports**, of students enrolled in the charter school. The state board of  
112 education [may, within sixty days, disapprove the granting of the charter] **shall approve or deny**  
113 **a charter application within sixty days of receipt of the application**. The state board of  
114 education may [disapprove] **deny** a charter on grounds that the application fails to meet the  
115 requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor  
116 previously failed to meet the statutory responsibilities of a charter sponsor. **Any denial of a**  
117 **charter application made by the state board of education shall be in writing and shall**  
118 **identify the specific failures of the application to meet the requirements of sections 160.400**  
119 **to 160.425 and section 167.349, and the written denial shall be provided within ten business**  
120 **days to the sponsor.**

121 4. A charter school shall, as provided in its charter:

122 (1) Be nonsectarian in its programs, admission policies, employment practices, and all  
123 other operations;

124 (2) Comply with laws and regulations of the state, county, or city relating to health,  
125 safety, and state minimum educational standards, as specified by the state board of education,  
126 including the requirements relating to student discipline under sections 160.261, 167.161,  
127 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under  
128 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school  
129 records under section 167.020, the minimum [number of school days and hours] **amount of**  
130 **school time** required under section 160.041, and the employee criminal history background  
131 check and the family care safety registry check under section 168.133;

132 (3) Except as provided in sections 160.400 to 160.425 **and as specifically provided in**  
133 **other sections**, be exempt from all laws and rules relating to schools, governing boards and  
134 school districts;

135 (4) Be financially accountable, use practices consistent with the Missouri financial  
136 accounting manual, provide for an annual audit by a certified public accountant, publish audit  
137 reports and annual financial reports as provided in chapter 165, provided that the annual financial  
138 report may be published on the department of elementary and secondary education's internet  
139 website in addition to other publishing requirements, and provide liability insurance to indemnify  
140 the school, its board, staff and teachers against tort claims. A charter school that receives local  
141 educational agency status under subsection 6 of this section shall meet the requirements imposed  
142 by the Elementary and Secondary Education Act for audits of such agencies and comply with all  
143 federal audit requirements for charters with local [education] **educational** agency status. For  
144 purposes of an audit by petition under section 29.230, a charter school shall be treated as a  
145 political subdivision on the same terms and conditions as the school district in which it is  
146 located. For the purposes of securing such insurance, a charter school shall be eligible for the  
147 Missouri public entity risk management fund pursuant to section 537.700. A charter school that  
148 incurs debt shall include a repayment plan in its financial plan;

149 (5) Provide a comprehensive program of instruction for at least one grade or age group  
150 from [kindergarten] **early childhood** through grade twelve, [which may include early childhood  
151 education if funding for such programs is established by statute,] as specified in its charter;

152 (6) (a) Design a method to measure pupil progress toward the pupil academic standards  
153 adopted by the state board of education pursuant to section 160.514, establish baseline student  
154 performance in accordance with the performance contract during the first year of operation,  
155 collect student performance data as defined by the annual performance report throughout the  
156 duration of the charter to annually monitor student academic performance, and to the extent  
157 applicable based upon grade levels offered by the charter school, participate in the statewide  
158 system of assessments, comprised of the essential skills tests and the nationally standardized  
159 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,  
160 complete and distribute an annual report card as prescribed in section 160.522, which shall also

161 include a statement that background checks have been completed on the charter school's board  
162 members, report to its sponsor, the local school district, and the state board of education as to  
163 its teaching methods and any educational innovations and the results thereof, and provide data  
164 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter  
165 school shall be considered in the Missouri school improvement program review of the district  
166 in which it is located for the resource or process standards of the program.

167 (b) For proposed [high risk] **high-risk** or alternative charter schools, sponsors shall  
168 approve performance measures based on mission, curriculum, teaching methods, and services.  
169 Sponsors shall also approve comprehensive academic and behavioral measures to determine  
170 whether students are meeting performance standards on a different time frame as specified in that  
171 school's charter. Student performance shall be assessed comprehensively to determine whether  
172 a [high risk] **high-risk** or alternative charter school has documented adequate student progress.  
173 Student performance shall be based on sponsor-approved comprehensive measures as well as  
174 standardized public school measures. Annual presentation of charter school report card data to  
175 the department of elementary and secondary education, the state board, and the public shall  
176 include comprehensive measures of student progress.

177 (c) Nothing in this subdivision shall be construed as permitting a charter school to be  
178 held to lower performance standards than other public schools within a district; however, the  
179 charter of a charter school may permit students to meet performance standards on a different time  
180 frame as specified in its charter. The performance standards for alternative and special purpose  
181 charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this  
182 section shall be based on measures defined in the school's performance contract with its  
183 sponsors;

184 (7) Comply with all applicable federal and state laws and regulations regarding students  
185 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities  
186 Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29  
187 U.S.C. Section 794) or successor legislation;

188 (8) Provide along with any request for review by the state board of education the  
189 following:

190 (a) Documentation that the applicant has provided a copy of the application to the school  
191 board of the district in which the charter school is to be located, except in those circumstances  
192 where the school district is the sponsor of the charter school; and

193 (b) A statement outlining the reasons for approval or [disapproval] **denial** by the  
194 sponsor, specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

195 5. (1) Proposed or existing high-risk or alternative charter schools may include  
196 alternative arrangements for students to obtain credit for satisfying graduation requirements in  
197 the school's charter application and charter. Alternative arrangements may include, but not be

198 limited to, credit for off-campus instruction, embedded credit, work experience through an  
199 internship arranged through the school, and independent studies. When the state board of  
200 education approves the charter, any such alternative arrangements shall be approved at such time.

201 (2) The department of elementary and secondary education shall conduct a study of any  
202 charter school granted alternative arrangements for students to obtain credit under this subsection  
203 after three years of operation to assess student performance, graduation rates, educational  
204 outcomes, and entry into the workforce or higher education.

205 6. The charter of a charter school may be amended at the request of the governing body  
206 of the charter school and on the approval of the sponsor. The sponsor and the governing board  
207 and staff of the charter school shall jointly review the school's performance, management and  
208 operations during the first year of operation and then every other year after the most recent  
209 review or at any point where the operation or management of the charter school is changed or  
210 transferred to another entity, either public or private. The governing board of a charter school  
211 may amend the charter, if the sponsor approves such amendment, or the sponsor and the  
212 governing board may reach an agreement in writing to reflect the charter school's decision to  
213 become a local educational agency. In such case the sponsor shall give the department of  
214 elementary and secondary education written notice no later than March first of any year, with the  
215 agreement to become effective July first. The department may waive the March first notice date  
216 in its discretion. The department shall identify and furnish a list of its regulations that pertain  
217 to local educational agencies to such schools within thirty days of receiving such notice.

218 7. Sponsors shall annually review the charter school's compliance with statutory  
219 standards including:

220 (1) Participation in the statewide system of assessments, as designated by the state board  
221 of education under section 160.518;

222 (2) Assurances for the completion and distribution of an annual report card as prescribed  
223 in section 160.522;

224 (3) The collection of baseline data during the first three years of operation to determine  
225 the longitudinal success of the charter school;

226 (4) A method to measure pupil progress toward the pupil academic standards adopted  
227 by the state board of education under section 160.514; and

228 (5) Publication of each charter school's annual performance report.

229 8. (1) (a) A sponsor's [intervention] policies shall give schools clear, adequate,  
230 evidence-based, and timely notice of contract violations or performance deficiencies and  
231 mandate intervention based upon findings of the state board of education of the following:

232 a. The charter school provides a high school program which fails to maintain a  
233 graduation rate of at least seventy percent in three of the last four school years unless the school  
234 has dropout recovery as its mission;

235           b. The charter school's annual performance report results are below the district's annual  
236 performance report results based on the performance standards that are applicable to the grade  
237 level configuration of both the charter school and the district in which the charter school is  
238 located in three of the last four school years; and

239           c. The charter school is identified as a persistently lowest achieving school by the  
240 department of elementary and secondary education.

241           (b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

242           a. Clear evidence of underperformance as demonstrated in the charter school's annual  
243 performance report in three of the last four school years; or

244           b. A violation of the law or the public trust that imperils students or public funds.

245           (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may  
246 include placing the charter school on probationary status for no more than [twelve] **twenty-four**  
247 months, provided that no more than one designation of probationary status shall be allowed for  
248 the duration of the charter contract, at any time if the charter school commits a serious breach  
249 of one or more provisions of its charter or on any of the following grounds: failure to meet the  
250 performance contract as set forth in its charter, failure to meet generally accepted standards of  
251 fiscal management, failure to provide information necessary to confirm compliance with all  
252 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days  
253 following receipt of written notice requesting such information, or violation of law.

254           (2) The sponsor may place the charter school on probationary status to allow the  
255 implementation of a remedial plan, which may require a change of methodology, a change in  
256 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

257           (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the  
258 governing board of the charter school of the proposed action in writing. The notice shall state  
259 the grounds for the proposed action. The school's governing board may request in writing a  
260 hearing before the sponsor within two weeks of receiving the notice.

261           (4) The sponsor of a charter school shall establish procedures to conduct administrative  
262 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final  
263 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an  
264 appeal to the state board of education, which shall determine whether the charter shall be  
265 revoked.

266           (5) A termination shall be effective only at the conclusion of the school year, unless the  
267 sponsor determines that continued operation of the school presents a clear and immediate threat  
268 to the health and safety of the children.

269           (6) A charter sponsor shall make available the school accountability report card  
270 information as provided under section 160.522 and the results of the academic monitoring  
271 required under subsection 3 of this section.



272 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter  
273 school sponsored by such sponsor is in material compliance and remains in material compliance  
274 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every  
275 charter school shall provide all information necessary to confirm ongoing compliance with all  
276 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
277 sponsor.

278 (2) The sponsor's renewal process of the charter school shall be based on the thorough  
279 analysis of a comprehensive body of objective evidence and consider if:

280 (a) The charter school has maintained results on its annual performance report that meet  
281 or exceed the district in which the charter school is located based on the performance standards  
282 that are applicable to the grade-level configuration of both the charter school and the district in  
283 which the charter school is located in three of the last four school years;

284 (b) The charter school is organizationally and fiscally viable determining at a minimum  
285 that the school does not have:

286 a. A negative balance in its operating funds;

287 b. A combined balance of less than three percent of the amount expended for such funds  
288 during the previous fiscal year; or

289 c. Expenditures that exceed receipts for the most recently completed fiscal year;

290 (c) The charter is in compliance with its legally binding performance contract and  
291 sections 160.400 to 160.425 and section 167.349; **and**

292 **(d) The charter school has an annual performance report consistent with a**  
293 **classification of accredited for three of the last four years and is fiscally viable as described**  
294 **in paragraph (b) of subdivision (2) of this subsection. If such is the case, the charter school**  
295 **may have an expedited renewal process as defined by rule of the department of elementary**  
296 **and secondary education.**

297 (3) (a) Beginning August first during the year in which a charter is considered for  
298 renewal, a charter school sponsor shall demonstrate to the state board of education that the  
299 charter school is in compliance with federal and state law as provided in sections 160.400 to  
300 160.425 and section 167.349 and the school's performance contract including but not limited to  
301 those requirements specific to academic performance.

302 (b) Along with data reflecting the academic performance standards indicated in  
303 paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the  
304 state board of education for review.

305 (c) Using the data requested and the revised charter application under paragraphs (a) and  
306 (b) of this subdivision, the state board of education shall determine if compliance with all  
307 standards enumerated in this subdivision has been achieved. The state board of education at its  
308 next regularly scheduled meeting shall vote on the revised charter application.

309 (d) If a charter school sponsor demonstrates the objectives identified in this subdivision,  
310 the state board of education shall renew the school's charter.

311 10. A school district may enter into a lease with a charter school for physical facilities.

312 11. A governing board or a school district employee who has control over personnel  
313 actions shall not take unlawful reprisal against another employee at the school district because  
314 the employee is directly or indirectly involved in an application to establish a charter school. A  
315 governing board or a school district employee shall not take unlawful reprisal against an  
316 educational program of the school or the school district because an application to establish a  
317 charter school proposes the conversion of all or a portion of the educational program to a charter  
318 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a  
319 governing board or a school district employee as a direct result of a lawful application to  
320 establish a charter school and that is adverse to another employee or an educational program.

321 12. Charter school board members shall be subject to the same liability for acts while  
322 in office as if they were regularly and duly elected members of school boards in any other public  
323 school district in this state. The governing board of a charter school may participate, to the same  
324 extent as a school board, in the Missouri public entity risk management fund in the manner  
325 provided under sections 537.700 to 537.756.

326 13. Any entity, either public or private, operating, administering, or otherwise managing  
327 a charter school shall be considered a quasi-public governmental body and subject to the  
328 provisions of sections 610.010 to 610.035.

329 14. The chief financial officer of a charter school shall maintain:

330 (1) A surety bond in an amount determined by the sponsor to be adequate based on the  
331 cash flow of the school; or

332 (2) An insurance policy issued by an insurance company licensed to do business in  
333 Missouri on all employees in the amount of five hundred thousand dollars or more that provides  
334 coverage in the event of employee theft.

335 **15. The department of elementary and secondary education shall calculate an**  
336 **annual performance report for each charter school and shall publish it in the same manner**  
337 **as annual performance reports are calculated and published for districts and attendance**  
338 **centers.**

339 **16. The department of elementary and secondary education shall create a**  
340 **committee to investigate facility access and affordability for charter schools. The**  
341 **committee shall be comprised of equal numbers of the charter school sector and the public**  
342 **school sector and shall report its findings to the general assembly by December 31, 2015.**

**160.408. 1. For purposes of this section, "high-quality local educational agency"**  
2 **means a charter school operating in the state of Missouri that meets the following**  
3 **requirements:**

4           **(1) Receives eighty percent or more of the total points on the annual performance**  
5 **report for three out of the last four school years by comparing points earned to the points**  
6 **possible on the annual performance report for three of the last four school years;**

7           **(2) Maintains a graduation rate of at least eighty percent for three of the last four**  
8 **school years, if the charter school provides a high school program;**

9           **(3) Is in material compliance with its legally binding performance contract and**  
10 **sections 160.400 to 160.425 and section 167.349; and**

11           **(4) Is organizationally and fiscally viable as described in paragraph (b) of**  
12 **subdivision (2) of subsection 9 of section 160.405.**

13           **2. Notwithstanding any other provision of law, high-quality local educational**  
14 **agencies shall be provided expedited opportunities to replicate and expand into**  
15 **unaccredited districts; provisionally accredited districts; a metropolitan school district; an**  
16 **urban school district containing most or all of a city with a population greater than three**  
17 **hundred fifty thousand inhabitants; a school district that has most or all of its land area**  
18 **located in a county with a charter form of government and with more than nine hundred**  
19 **fifty thousand inhabitants; and a school district that has most or all of its land area located**  
20 **in a county with a charter form of government and with more than six hundred thousand**  
21 **but fewer than seven hundred thousand inhabitants, except for any district in such county**  
22 **that is accredited without provisions by the state board of education and that has a resident**  
23 **pupil enrollment of less than three thousand. Such replication and expansion shall be**  
24 **subject to the following:**

25           **(1) The school seeking to replicate or expand shall submit its proposed charter to**  
26 **a proposed sponsor. The charter shall include a legally binding performance contract that**  
27 **meets the requirements of sections 160.400 to 160.425 and section 167.349;**

28           **(2) The sponsor's decision to approve or deny shall be made within sixty days of the**  
29 **filing of the proposed charter with the proposed sponsor; and**

30           **(3) If a charter is approved by a sponsor, the charter application shall be filed with**  
31 **the state board of education with a statement of finding from the sponsor that the**  
32 **application meets the requirements of sections 160.400 to 160.425 and section 167.349 and**  
33 **a monitoring plan under which the sponsor shall evaluate the academic performance of**  
34 **students enrolled in the charter school. Such filing shall be made by January thirty-first**  
35 **prior to the school year in which the charter school intends to begin operations.**

36           **3. The term of the charter for schools operating under this section shall be five**  
37 **years, and the charter may be renewed for terms of up to ten years. Renewal shall be**  
38 **subject to the provisions of paragraphs (a) to (d) of subdivision (3) of subsection 9 of**  
39 **section 160.405.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary  
4 transfer program;

5 (3) **Nonresident pupils who are residents of Missouri and have at least one parent**  
6 **employed by the charter school at which the nonresident pupil is seeking enrollment unless**  
7 **the pupil's enrollment will cause a resident student to be denied enrollment;**

8 (4) **Nonresident pupils from the same or an adjoining county who were enrolled in**  
9 **and attended an unaccredited school for at least one semester immediately prior to**  
10 **requesting the transfer and who were unable to transfer to an accredited school within**  
11 **their district of residence as provided in section 167.826, provided the school is an**  
12 **approved charter school, as defined in section 167.848, and subject to all other provisions**  
13 **of section 167.826;**

14 (5) In the case of a charter school whose mission includes student drop-out prevention  
15 or recovery, any nonresident pupil from the same or an adjacent county who resides in a  
16 residential care facility, a transitional living group home, or an independent living program  
17 whose last school of enrollment is in the school district where the charter school is established,  
18 who submits a timely application; and

19 [(4)] (6) In the case of a workplace charter school, any student eligible to attend under  
20 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who  
21 submits a timely application, unless the number of applications exceeds the capacity of a  
22 program, class, grade level or building. The configuration of a business district shall be set forth  
23 in the charter and shall not be construed to create an undue advantage for a single employer or  
24 small number of employers.

25 2. If capacity is insufficient to enroll all pupils who submit a timely application, the  
26 charter school shall have an admissions process that assures all applicants of an equal chance of  
27 gaining admission **and does not discriminate based on parents' ability to pay fees or tuition**  
28 except that:

29 (1) A charter school may establish a geographical area around the school whose residents  
30 will receive a preference for enrolling in the school, provided that such preferences do not result  
31 in the establishment of racially or socioeconomically isolated schools and provided such  
32 preferences conform to policies and guidelines established by the state board of education;

33 (2) A charter school may also give a preference for admission of children whose siblings  
34 attend the school, **for admission of children resident in the district in which it operates and**  
35 **[or] whose parents are employed at the school, or, in the case of a workplace charter school, for**  
36 **admission of a child whose parent is employed in the business district or at the business site of**  
37 such school; and

38 (3) Charter alternative and special purpose schools may also give a preference for  
39 admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405,  
40 when the school targets these students through its proposed mission, curriculum, teaching  
41 methods, and services.

42 3. A charter school shall not limit admission based on race, ethnicity, national origin,  
43 disability, income level, proficiency in the English language or athletic ability, but may limit  
44 admission to pupils within a given age group or grade level. Charter schools may limit  
45 admission based on gender only when the school is a single-gender school. Students of a charter  
46 school [that are present for the January membership count as defined in section 163.011] **who**  
47 **have been enrolled for a full academic year** shall be counted in the performance of the charter  
48 school on the statewide assessments in that calendar year, unless otherwise exempted as English  
49 language learners. **For purposes of this subsection, "full academic year" means the last**  
50 **Wednesday in September through the administration of the Missouri assessment program**  
51 **test without transferring out of the school and re-enrolling.**

52 4. The department of elementary and secondary education shall commission a study of  
53 the performance of students at each charter school in comparison with an equivalent group of  
54 district students representing an equivalent demographic and geographic population and a study  
55 of the impact of charter schools upon the constituents they serve in the districts in which they are  
56 located, to be conducted by the joint committee on education. The charter school study shall  
57 include analysis of the administrative and instructional practices of each charter school and shall  
58 include findings on innovative programs that illustrate best practices and lend themselves to  
59 replication or incorporation in other schools. The joint committee on education shall coordinate  
60 with individuals representing charter schools and the districts in which charter schools are  
61 located in conducting the study. The study of a charter school's student performance in relation  
62 to a comparable group shall be designed to provide information that would allow parents and  
63 educators to make valid comparisons of academic performance between the charter school's  
64 students and an equivalent group of district students representing an equivalent demographic and  
65 geographic population. The student performance assessment and comparison shall include, but  
66 may not be limited to:

67 (1) Missouri assessment program test performance and aggregate growth over several  
68 years;

69 (2) Student reenrollment rates;

70 (3) Educator, parent, and student satisfaction data;

71 (4) Graduation rates in secondary programs; and

72 (5) Performance of students enrolled in the same public school for three or more  
73 consecutive years. The impact study shall be undertaken every two years to determine the impact  
74 of charter schools on the constituents they serve in the districts where charter schools are

75 operated. The impact study shall include, but is not limited to, determining if changes have been  
76 made in district policy or procedures attributable to the charter school and to perceived changes  
77 in attitudes and expectations on the part of district personnel, school board members, parents,  
78 students, the business community and other education stakeholders. The department of  
79 elementary and secondary education shall make the results of the studies public and shall deliver  
80 copies to the governing boards of the charter schools, the sponsors of the charter schools, the  
81 school board and superintendent of the districts in which the charter schools are operated.

82 5. A charter school shall make available for public inspection, and provide upon request,  
83 to the parent, guardian, or other custodian of any school-age pupil resident in the district in  
84 which the school is located the following information:

85 (1) The school's charter;

86 (2) The school's most recent annual report card published according to section 160.522;

87 (3) The results of background checks on the charter school's board members; and

88 (4) If a charter school is operated by a management company, a copy of the written  
89 contract between the governing board of the charter school and the educational management  
90 organization or the charter management organization for services. The charter school may  
91 charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies  
92 of documents under this subsection.

93 6. When a student attending a charter school who is a resident of the school district in  
94 which the charter school is located moves out of the boundaries of such school district, the  
95 student may complete the current semester and shall be considered a resident student. The  
96 student's parent or legal guardian shall be responsible for the student's transportation to and from  
97 the charter school.

98 7. If a change in school district boundary lines occurs under section 162.223, 162.431,  
99 162.441, or 162.451, or by action of the state board of education under section 162.081,  
100 including attachment of a school district's territory to another district or dissolution, such that a  
101 student attending a charter school prior to such change no longer resides in a school district in  
102 which the charter school is located, then the student may complete the current academic year at  
103 the charter school. The student shall be considered a resident student. The student's parent or  
104 legal guardian shall be responsible for the student's transportation to and from the charter school.

105 8. The provisions of sections 167.018 and 167.019 concerning foster children's  
106 educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under  
2 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of  
3 the school district within which each pupil resides. Each charter school shall report the names,  
4 addresses, and eligibility for free and reduced **price** lunch, special education, or limited English  
5 proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district

6 who are enrolled in the charter school to the school district in which those pupils reside. The  
7 charter school shall report the average daily attendance data, free and reduced **price** lunch count,  
8 special education pupil count, and limited English proficiency pupil count to the state department  
9 of elementary and secondary education. Each charter school shall promptly notify the state  
10 department of elementary and secondary education and the pupil's school district when a student  
11 discontinues enrollment at a charter school.

12 2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter  
13 schools shall be as described in this subsection.

14 (1) A school district having one or more resident pupils attending a charter school shall  
15 pay to the charter school an annual amount equal to the product of the charter school's weighted  
16 average daily attendance and the state adequacy target, multiplied by the dollar value modifier  
17 for the district, plus local tax revenues per weighted average daily attendance from the incidental  
18 and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other  
19 state aid attributable to such pupils.

20 (2) The district of residence of a pupil attending a charter school shall also pay to the  
21 charter school any other federal or state aid that the district receives on account of such child.

22 (3) If the department overpays or underpays the amount due to the charter school, such  
23 overpayment or underpayment shall be repaid by the public charter school or credited to the  
24 public charter school in twelve equal payments in the next fiscal year.

25 (4) The amounts provided pursuant to this subsection shall be prorated for partial year  
26 enrollment for a pupil.

27 (5) A school district shall pay the amounts due pursuant to this subsection as the  
28 disbursal agent and no later than twenty days following the receipt of any such funds. The  
29 department of elementary and secondary education shall pay the amounts due when it acts as the  
30 disbursal agent within five days of the required due date.

31 3. A workplace charter school shall receive payment for each eligible pupil as provided  
32 under subsection 2 of this section, except that if the student is not a resident of the district and  
33 is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be  
34 the same as provided under section 162.1060.

35 4. A charter school that has declared itself as a local educational agency shall receive  
36 from the department of elementary and secondary education an annual amount equal to the  
37 product of the charter school's weighted average daily attendance and the state adequacy target,  
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted  
39 average daily attendance from the incidental and teachers funds in excess of the performance  
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter  
41 school declares itself as a local [education] **educational** agency, the department of elementary  
42 and secondary education shall, upon notice of the declaration, reduce the payment made to the

43 school district by the amount specified in this subsection and pay directly to the charter school  
44 the annual amount reduced from the school district's payment.

45 5. If a school district fails to make timely payments of any amount for which it is the  
46 disbursal agent, the state department of elementary and secondary education shall authorize  
47 payment to the charter school of the amount due pursuant to subsection 2 of this section and shall  
48 deduct the same amount from the next state school aid apportionment to the owing school  
49 district. If a charter school is paid more or less than the amounts due pursuant to this section,  
50 the amount of overpayment or underpayment shall be adjusted equally in the next twelve  
51 payments by the school district or the department of elementary and secondary education, as  
52 appropriate. Any dispute between the school district and a charter school as to the amount owing  
53 to the charter school shall be resolved by the department of elementary and secondary education,  
54 and the department's decision shall be the final administrative action for the purposes of review  
55 pursuant to chapter 536. During the period of dispute, the department of elementary and  
56 secondary education shall make every administrative and statutory effort to allow the continued  
57 education of children in their current public charter school setting.

58 **6. For purposes of calculation and distribution of state school aid to charter schools**  
59 **under this section, a charter school's weighted average daily attendance shall include any**  
60 **nonresident pupil who is a resident of Missouri, who attends the charter school, and whose**  
61 **parent is employed at the charter school.**

62 7. The charter school and a local school board may agree by contract for services to be  
63 provided by the school district to the charter school. The charter school may contract with any  
64 other entity for services. Such services may include but are not limited to food service, custodial  
65 service, maintenance, management assistance, curriculum assistance, media services and libraries  
66 and shall be subject to negotiation between the charter school and the local school board or other  
67 entity. Documented actual costs of such services shall be paid for by the charter school.

68 [7.] 8. In the case of a proposed charter school that intends to contract with an education  
69 service provider for substantial educational services[,] or management services, the request for  
70 proposals shall additionally require the charter school applicant to:

71 (1) Provide evidence of the education service provider's success in serving student  
72 populations similar to the targeted population, including demonstrated academic achievement  
73 as well as successful management of nonacademic school functions, if applicable;

74 (2) Provide a term sheet setting forth the proposed duration of the service contract; roles  
75 and responsibilities of the governing board, the school staff, and the service provider; scope of  
76 services and resources to be provided by the service provider; performance evaluation measures  
77 and time lines; compensation structure, including clear identification of all fees to be paid to the  
78 service provider; methods of contract oversight and enforcement; investment disclosure; and  
79 conditions for renewal and termination of the contract;



80 (3) Disclose any known conflicts of interest between the school governing board and  
81 proposed service provider or any affiliated business entities;

82 (4) Disclose and explain any termination or nonrenewal of contracts for equivalent  
83 services for any other charter school in the United States within the past five years;

84 (5) Ensure that the legal counsel for the charter school shall report directly to the charter  
85 school's governing board; and

86 (6) Provide a process to ensure that the expenditures that the [educational] **education**  
87 service provider intends to bill to the charter school shall receive prior approval of the governing  
88 board or its designee.

89 [8.] **9.** A charter school may enter into contracts with community partnerships and state  
90 agencies acting in collaboration with such partnerships that provide services to children and their  
91 families linked to the school.

92 [9.] **10.** A charter school shall be eligible for transportation state aid pursuant to section  
93 163.161 and shall be free to contract with the local district, or any other entity, for the provision  
94 of transportation to the students of the charter school.

95 [10.] **11.** (1) The proportionate share of state and federal resources generated by  
96 students with disabilities or staff serving them shall be paid in full to charter schools enrolling  
97 those students by their school district where such enrollment is through a contract for services  
98 described in this section. The proportionate share of money generated under other federal or  
99 state categorical aid programs shall be directed to charter schools serving such students eligible  
100 for that aid.

101 (2) A charter school shall provide the special services provided pursuant to section  
102 162.705 and may provide the special services pursuant to a contract with a school district or any  
103 provider of such services.

104 [11.] **12.** A charter school may not charge tuition[, nor may it] **or impose fees that a**  
105 **school district is prohibited from charging or imposing except that a charter school may**  
106 **receive tuition payments from districts in the same or an adjoining county for nonresident**  
107 **students who transfer to a charter school from an unaccredited school under section**  
108 **167.826.**

109 [12.] **13.** A charter school is authorized to incur debt in anticipation of receipt of funds.  
110 A charter school may also borrow to finance facilities and other capital items. A school district  
111 may incur bonded indebtedness or take other measures to provide for physical facilities and other  
112 capital items for charter schools that it sponsors or contracts with. **Except as otherwise**  
113 **specifically provided in sections 160.400 to 160.425,** upon the dissolution of a charter school,  
114 any liabilities of the corporation will be satisfied through the procedures of chapter 355. The  
115 department of elementary and secondary education may withhold funding at a level the  
116 department determines to be adequate during a school's last year of operation until the

117 department determines that school records, liabilities, and reporting requirements, including a  
118 full audit, are satisfied.

119 [13.] 14. Charter schools shall not have the power to acquire property by eminent  
120 domain.

121 [14.] 15. The governing body of a charter school is authorized to accept grants, gifts or  
122 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or  
123 donation may not be accepted by the governing body if it is subject to any condition contrary to  
124 law applicable to the charter school or other public schools, or contrary to the terms of the  
125 charter.

160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of each  
2 charter school shall review the information submitted on the report required by section 162.821  
3 to identify charter schools experiencing financial stress. The department of elementary and  
4 secondary education shall be authorized to obtain such additional information from a charter  
5 school as may be necessary to determine the financial condition of the charter school. Annually,  
6 a listing of charter schools identified as experiencing financial stress according to the provisions  
7 of this section shall be provided to the governor, speaker of the house of representatives, and  
8 president pro tempore of the senate by the department of elementary and secondary education.

9 2. For the purposes of this section, a charter school shall be identified as experiencing  
10 financial stress if it:

11 (1) At the end of its most recently completed fiscal year:

12 (a) Has a negative balance in its operating funds; or

13 (b) Has a combined balance of less than three percent of the amount expended from such  
14 funds during the previous fiscal year; or

15 (2) For the most recently completed fiscal year expenditures, exceeded receipts for any  
16 of its funds because of recurring costs.

17 3. The sponsor shall notify by November first the governing board of the charter school  
18 identified as experiencing financial stress. Upon receiving the notification, the governing board  
19 shall develop, or cause to have developed, and shall approve a budget and education plan on  
20 forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor,  
21 signed by the officers of the charter school, within forty-five calendar days of notification that  
22 the charter school has been identified as experiencing financial stress. Minimally, the budget and  
23 education plan shall:

24 (1) Give assurances that adequate educational services to students of the charter school  
25 shall continue uninterrupted for the remainder of the current school year and that the charter  
26 school can provide the minimum [number of school days and hours] **amount of school time**  
27 required by section 160.041;

28 (2) Outline a procedure to be followed by the charter school to report to charter school  
29 patrons about the financial condition of the charter school; and

30 (3) Detail the expenditure reduction measures, revenue increases, or other actions to be  
31 taken by the charter school to address its condition of financial stress.

32 4. Upon receipt and following review of any budget and education plan, the sponsor may  
33 make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section  
34 167.349 shall exempt a charter school from submitting a budget and education plan to the  
35 sponsor according to the provisions of this section following each such notification that a charter  
36 school has been identified as experiencing financial stress, except that the sponsor may permit  
37 a charter school's governing board to make amendments to or update a budget and education plan  
38 previously submitted to the sponsor.

39 5. The department may withhold any payment of financial aid otherwise due to the  
40 charter school until such time as the sponsor and the charter school have fully complied with this  
41 section.

160.425. 1. The "Missouri Charter Public School Commission" is hereby created with  
2 the authority to sponsor [high quality] **high-quality** charter schools throughout the state of  
3 Missouri **as specified in section 160.400**.

4 2. The commission shall consist of nine members appointed by the governor, by and with  
5 the advice and consent of the senate. No more than five of the members shall be of the same  
6 political party. No more than two members shall be from the same congressional district. The  
7 term of office of each member shall be four years, except those of the members first appointed,  
8 of which three shall be appointed for a term of one year, two for a term of two years, two for a  
9 term of three years, and two for a term of four years. At the expiration of the term of each  
10 member, the governor, by and with the advice and consent of the senate, shall appoint a  
11 successor.

12 3. The appointees to the commission shall be selected as follows:

13 (1) One member selected by the governor from a slate of three recommended by the  
14 commissioner of education;

15 (2) One member selected by the governor from a slate of three recommended by the  
16 commissioner of higher education;

17 (3) One member selected by the governor from a slate of three recommended by the  
18 president pro tempore of the senate;

19 (4) One member selected by the governor from a slate of three recommended by the  
20 speaker of the house of representatives; and

21 (5) Five additional members appointed by the governor, one of whom shall be selected  
22 from a slate of three nominees recommended by the Missouri School Boards Association.

23           4. Members appointed to the commission shall collectively possess strong experience  
24 and expertise in governance, management and finance, school leadership, assessment, curriculum  
25 and instruction, and education law. All members of the commission shall have demonstrated  
26 understanding of and commitment to charter schooling as a strategy for strengthening public  
27 education.

28           5. The commission shall annually elect a chairperson and vice chairperson, who shall  
29 act as chairperson in his or her absence. The commission shall meet at the call of the  
30 chairperson. The chairperson may call meetings at such times as he or she deems advisable and  
31 shall call a meeting when requested to do so by three or more members of the commission.  
32 Members of the commission are not eligible to receive compensation.

33           6. The commission may approve proposed charters for its sponsorship under sections  
34 160.400 to 160.425 and shall:

35           (1) Comply with all of the requirements applicable to sponsors under sections 160.400  
36 to 160.425;

37           (2) Exercise sponsorship over charters approved by the commission under sections  
38 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section  
39 160.400.

40           7. Charter schools sponsored by the commission shall comply with all of the  
41 requirements applicable to charter schools under sections 160.400 to 160.425.

42           8. The commission shall conduct its business in accordance with chapter 610.

43           9. The department of elementary and secondary education shall provide start-up funding  
44 for the commission to operate. The commission shall reimburse the department's costs from any  
45 funds it receives as sponsor under section 160.400.

46           10. The commission is authorized to receive and expend gifts, grants, and donations of  
47 any kind from any public or private entity to carry out the purposes of sections 160.400 to  
48 160.425, subject to the terms and conditions under which they are given, provided that all such  
49 terms and conditions are permissible under law.

50           **11. The commission may employ staff including, but not limited to, an executive**  
51 **director as needed to carry out its duties. The commission may establish personnel,**  
52 **payroll, benefit, and other such systems as needed and may provide death and disability**  
53 **benefits. Commission employees shall be considered state employees for the purposes of**  
54 **membership in the Missouri state employees' retirement system and the Missouri**  
55 **consolidated health care plan. Compensation paid by the commission shall constitute pay**  
56 **from a state department for purposes of accruing benefits under the Missouri state**  
57 **employees' retirement system.**

58           **12. There is hereby created in the state treasury the "Missouri Charter Public**  
59 **School Commission Revolving Fund", which shall consist of money collected under this**

60 section. The state treasurer shall be custodian of the fund. In accordance with sections  
61 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a  
62 dedicated fund, and moneys in the fund shall be used solely by the Missouri charter public  
63 school commission for purposes of sections 160.400 to 160.425 and section 167.349.  
64 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
65 in the fund at the end of the biennium shall not revert to the credit of the general revenue  
66 fund. The state treasurer shall invest moneys in the fund in the same manner as other  
67 funds are invested. Any interest and moneys earned on such investments shall be credited  
68 to the fund.

161.084. When classifying the public schools of the state under section 161.092, if  
2 there is no state board of education member who is a resident of the congressional district  
3 in which such school district under consideration is located, the state board of education  
4 shall assign such school district a classification designation of unaccredited or change a  
5 district's classification designation from accredited to provisionally accredited only after  
6 notifying the governor of its intent to change the classification of the district. The governor  
7 shall make the appointment under section 161.052 within thirty days of notification.

161.087. 1. When assigning classification designations to school districts pursuant  
2 to its authority to classify the public schools of the state under section 161.092, the state  
3 board of education shall use only the following classification designations:

- 4 (1) Unaccredited;
- 5 (2) Provisionally accredited;
- 6 (3) Accredited; and
- 7 (4) Accredited with distinction.

8 2. The state board of education shall develop and implement a process to provide  
9 assistance teams to borderline districts, as defined in section 167.848, as determined by the  
10 department of elementary and secondary education and to underperforming districts, as  
11 defined in section 167.848, upon assignment of a classification designation of unaccredited  
12 or provisionally accredited or determination made by the state board of education. The  
13 composition and size of the team may vary, based on academic, demographic, and financial  
14 circumstances of the district, but in no case will the team have fewer than ten members,  
15 two of whom shall be active classroom teachers in the district, two of whom shall be  
16 principals, and one of whom shall be a parent of a student in the district. The department  
17 staff member assigned to the region in which the district is located may be included in the  
18 assistance team's activities but shall not be formally assigned to the team. The team shall  
19 provide recommendations for improvement based on the needs of the community and the  
20 district and analysis of, at a minimum, the assessment data, classroom practices, and  
21 communication processes within attendance centers, within the district, and with the larger

22 **community. Separate teams may be used to provide analysis and recommendations at the**  
23 **discretion of the state board. Beginning with school year 2015-16, the team shall provide**  
24 **its recommendations no later than June 30, 2016, for underperforming districts and**  
25 **borderline districts. The state board shall prioritize the assignment of teams so that the**  
26 **districts with the lower annual performance report scores are addressed first. The**  
27 **assistance team's suggestions for improvement shall be mandatory for underperforming**  
28 **districts but shall not be mandatory for borderline districts. If an underperforming**  
29 **district disagrees with any suggestion of the assistance team, the district shall propose a**  
30 **different method of accomplishing the goal of the assistance team's suggestion and the state**  
31 **board of education shall be the final arbiter of the matter.**

**161.238. 1. Notwithstanding any provision of chapter 536 and subdivisions (9) and**  
2 **(14) of section 161.092 to the contrary, the state board of education shall adopt a policy to**  
3 **classify individual attendance centers. Attendance centers that do not offer classes above**  
4 **the second grade level are exempt from classification under this subsection. The policy**  
5 **shall require that an attendance center's classification be based solely on a three-year**  
6 **average of the attendance center's annual performance report scores using the three most**  
7 **recent years. The state board shall assign a classification consistent with such three-year**  
8 **average score. The state board shall implement such policy and:**

9 **(1) Within forty-five days of the effective date of this section, for each district that**  
10 **is classified as unaccredited by the state board of education at that time, classify each of**  
11 **the unaccredited district's attendance centers separately from the district as a whole using**  
12 **the classification designations provided in section 161.087;**

13 **(2) Within ninety days of the effective date of this section, for each district that is**  
14 **classified as provisionally accredited by the state board of education at that time, classify**  
15 **each of the provisionally accredited district's attendance centers separately from the**  
16 **district as a whole using the classification designations provided in section 161.087; and**

17 **(3) By January 1, 2016, for each urban school district, each metropolitan school**  
18 **district, each school district that has most or all of its land area located in a county with a**  
19 **charter form of government and with more than six hundred thousand but fewer than**  
20 **seven hundred thousand inhabitants, and each district that has most or all of its land area**  
21 **located in a county with a charter form of government and with more than nine hundred**  
22 **fifty thousand inhabitants, classify each of the district's attendance centers separately from**  
23 **the district as a whole using the classification designations provided in section 161.087.**

24 **2. The classifications assigned by the state board under subsection 1 of this section**  
25 **shall become effective immediately and shall remain in effect until the state board develops,**  
26 **adopts, and implements the system of classification described in subsection 3 of this section.**

27 At such time, the state board shall classify attendance centers based on the system of  
28 classification described in subsection 3 of this section.

29       **3. By January 1, 2016, the state board of education shall, through administrative**  
30 **rule, develop a system of classification that accredits attendance centers within a district**  
31 **separately from the district as a whole using the classification designations provided in**  
32 **section 161.087. The state board of education's system shall not assign classification**  
33 **designations to attendance centers that do not offer classes above the second grade level.**  
34 **When the state board adopts its system, it shall assign a classification designation to each**  
35 **attendance center, except for those attendance centers that do not offer classes above the**  
36 **second grade level. The state board of education may assign classification numbers outside**  
37 **the range of numbers assigned to high schools, middle schools, junior high schools, or**  
38 **elementary schools as classification designations for attendance centers that are exempt**  
39 **from the accreditation classification system. Public separate special education schools**  
40 **within a special school district and within a school district are exempted from the**  
41 **accreditation requirements of this section and section 161.087. While not applicable for**  
42 **the purpose of accreditation, a special school district shall continue to report all scores on**  
43 **its annual performance report to the department of elementary and secondary education**  
44 **for all its schools. Juvenile detention centers within a special school district are also**  
45 **exempted from the accreditation standards of this section and section 161.087.**

46       **4. Upon adoption of the classification system described in subsection 3 of this**  
47 **section, the state board may change any classification it has assigned to an attendance**  
48 **center under subsection 1 of this section.**

49       **5. An attendance center that does not offer classes above the second grade level**  
50 **shall be exempt from any requirements related to statewide assessments.**

51       **6. Notwithstanding the provisions of subdivision (9) of section 161.092, the rules**  
52 **and regulations promulgated under this section shall be effective thirty days after**  
53 **publication in the code of state regulations as provided in section 536.021 and shall not be**  
54 **subject to the two-year delay contained in subdivision (9) of section 161.092.**

55       **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
56 **created under the authority delegated in this section shall become effective only if it**  
57 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
58 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
59 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
60 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
61 **grant of rulemaking authority and any rule proposed or adopted after the effective date**  
62 **of this section shall be invalid and void.**

- 161.1000. 1. There is hereby established within the department of elementary and secondary education a task force, to be known as the "School Transfer and Improvement Task Force", which shall be composed of eleven members.
2. The task force is hereby created to study the following:
- (1) Means to address failing schools including, but not limited to, the creation of a school improvement district;
  - (2) Options for school transfer finance formulas;
  - (3) Best practices for how to design and finance public virtual and blended schools;
  - (4) Best practices and possible pilot projects to assist transient students;
  - (5) Options for comprehensive school quality indicators leading to student success;
  - (6) Options for school quality review models based on successful review models currently in use;
  - (7) Options for locally created assessment and accountability systems; and
  - (8) Best practices in parent and community engagement.
3. The task force shall consist of the following members:
- (1) Three members of the senate, appointed by the president pro tempore 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 tempore 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; and
  - (7) The lieutenant governor or his or her designee.
4. The first meeting of the task force shall be called by the president pro tempore of the senate. The task force shall elect a presiding officer by a majority vote of the membership of the task force. Subsequent meetings of the task force shall be at the call of the presiding officer.
5. The task force shall make recommendations regarding the provisions of subsection 2 of this section. In making those recommendations, the task force shall receive reports and testimony from individuals, state and local agencies, experts, and other public and private organizations.
6. The task force's recommendations may include proposals for specific statutory changes.



38           **7. The members shall receive no compensation for their services on the task force**  
39 **but shall be reimbursed for ordinary and necessary expenses incurred in the performance**  
40 **of their duties.**

41           **8. By February 1, 2016, the task force shall report its findings and**  
42 **recommendations to the general assembly.**

43           **9. The provisions of this section shall expire on April 30, 2016.**

**161.1005. 1. By July 1, 2016, the department shall employ a dyslexia therapist,**  
2 **licensed psychometrist, licensed speech-language pathologist, certified academic language**  
3 **therapist, or certified training specialist to serve as the department's dyslexia specialist.**  
4 **Such dyslexia specialist shall have a minimum of three years of field experience in**  
5 **screening, identifying, and treating dyslexia and related disorders.**

6           **2. The department shall ensure that the dyslexia specialist has completed training**  
7 **and received certification from a program approved by the legislative task force on**  
8 **dyslexia and is able to provide necessary information and support to school district**  
9 **teachers.**

10           **3. The dyslexia specialist shall:**

11           **(1) Be highly trained in dyslexia and related disorders, including best practice**  
12 **interventions and treatment models;**

13           **(2) Be responsible for the implementation of professional development; and**

14           **(3) Serve as the primary source of information and support for districts addressing**  
15 **the needs of students with dyslexia and related disorders.**

16           **4. In addition to the duties assigned under subsection 3 of this section, the dyslexia**  
17 **specialist shall also assist the department with developing and administering professional**  
18 **development programs to be made available to school districts no later than the 2016-17**  
19 **school year. The programs shall focus on educating teachers regarding the indicators of**  
20 **dyslexia, the science surrounding teaching a student who is dyslexic, and classroom**  
21 **accommodations necessary for a student with dyslexia.**

**162.081. 1. Whenever any school district in this state fails or refuses in any school year**  
2 **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.**

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 at**

11 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 accredited  
17 status, if any; offer technical assistance; and facilitate and coordinate community resources.  
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**  
26 **district, the state board of education shall determine an equitable apportionment of state**  
27 **and federal aid for the part of the district, and the school district shall provide local**  
28 **revenue in proportion to the weighted average daily attendance of the part.** The number  
29 of members of the special administrative board shall not be less than five, the majority of whom  
30 shall be residents of the district. The members of the special administrative board shall reflect  
31 the population characteristics of the district and shall collectively possess strong experience in  
32 school governance, management and finance, and leadership. **The state board of education**  
33 **may appoint members of the district's elected school board to the special administrative**  
34 **board, but members of the elected school board shall not comprise more than forty-nine**  
35 **percent of the special administrative board's membership.** Within fourteen days after the  
36 appointment by the state board of education, the special administrative board shall organize by  
37 the election of a president, vice president, secretary and a treasurer, with their duties and  
38 organization as enumerated in section 162.301. The special administrative board shall appoint  
39 a superintendent of schools to serve as the chief executive officer of the school district, **or a**  
40 **subset of schools**, and to have all powers and duties of any other general superintendent of  
41 schools in a seven-director school district. **Nothing in this section shall be construed to**  
42 **permit either the state board of education or a special administrative board to raise, in any**  
43 **way not specifically allowed by law, the tax levy of the district or any part of the district**  
44 **without a vote of the people.** Any special administrative board appointed under this section  
45 shall be responsible for the operation of the district **or part of the district** until such time that  
46 the district is classified by the state board of education as provisionally accredited for at least two

47 successive academic years, after which time the state board of education may provide for a  
48 transition pursuant to section 162.083; or

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

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

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

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

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

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

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

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

77 5. A special administrative board **or any other form of governance** appointed under  
78 this section shall retain the authority granted to a board of education for the operation of the  
79 lapsed school district under the laws of the state in effect at the time of the lapse and may enter  
80 into contracts with accredited school districts or other education service providers in order to  
81 deliver high-quality educational programs to the residents of the district. If a student graduates  
82 while attending a school building in the district that is operated under a contract with an  
83 accredited school district as specified under this subsection, the student shall receive his or her

84 diploma from the accredited school district. The authority of the special administrative board  
85 **or any other form of governance appointed under this section** shall expire at the end of the  
86 third full school year following its appointment, unless extended by the state board of education.  
87 If the lapsed district is reassigned, the [special administrative board] **governing board prior to**  
88 **lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and  
89 transfer such funds, assets, and liabilities of the lapsed district as determined by the state board  
90 of education. Neither the special administrative board **nor any other form of governance**  
91 **appointed under this section** nor its members or employees shall be deemed to be the state or  
92 a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its  
93 agencies and employees shall be absolutely immune from liability for any and all acts or  
94 omissions relating to or in any way involving the lapsed district, [the] **a special administrative**  
95 **board, any other form of governance appointed under this section, [its] or the members or**  
96 **employees of the lapsed district, a special administrative board, or any other form of**  
97 **governance appointed under this section.** Such immunities, and immunity doctrines as exist  
98 or may hereafter exist benefitting boards of education, their members and their employees, shall  
99 be available to the special administrative board, **any other form of governance appointed**  
100 **under this section, [its] and the members and employees of the special administrative board**  
101 **or any other form of governance appointed under this section.**

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

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

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

114         **9. If the state board of education reasonably believes that a school district is**  
115 **unlikely to provide for the minimum number of school hours required in a school term**  
116 **required by section 163.021 because of financial difficulty, the state board of education**  
117 **may, prior to the start of the school term:**

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

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

122           **10. The provisions of subsection 9 of this section shall not apply to any district**  
123 **solely on the basis of financial difficulty resulting from paying tuition and providing**  
124 **transportation for transfer students under sections 167.825 to 167.827.**

162.1250. 1. School districts shall receive state school funding under sections 163.031,  
2 163.043, and 163.087 for resident students who are enrolled in the school district and who are  
3 taking a virtual course or full-time virtual program offered by the school district. The school  
4 district may offer instruction in a virtual setting using technology, intranet, and internet methods  
5 of communications that could take place outside of the regular school district facility. The  
6 school district may develop a virtual program for any grade level, kindergarten through twelfth  
7 grade, with the courses available in accordance with district policy to any resident student of the  
8 district who is enrolled in the school district. Nothing in this section shall preclude a private,  
9 parochial, or home school student residing within a school district offering virtual courses or  
10 virtual programs from enrolling in the school district in accordance with the combined  
11 enrollment provisions of section 167.031 for the purposes of participating in the virtual courses  
12 or virtual programs.

13           2. Charter schools shall receive state school funding under section 160.415 for students  
14 enrolled in the charter school who are completing a virtual course or full-time virtual program  
15 offered by the charter school. Charter schools may offer instruction in a virtual setting using  
16 technology, intranet, and internet methods of communications. The charter school may develop  
17 a virtual program for any grade level, kindergarten through twelfth grade, with the courses  
18 available in accordance with school policy and the charter school's charter to any student enrolled  
19 in the charter school.

20           3. For purposes of calculation and distribution of state school funding, attendance of a  
21 student enrolled in a district or charter school virtual class shall equal, upon course completion,  
22 ninety-four percent of the hours of attendance possible for such class delivered in the nonvirtual  
23 program in the student's resident district or charter school. **In the case of a student who is a**  
24 **candidate for A+ tuition reimbursement and taking a virtual course under this section, the**  
25 **school shall not attribute ninety-four percent attendance to such student for such course,**  
26 **but shall attribute no less than ninety-five percent attendance to any such student who has**  
27 **completed such virtual course.** Course completion shall be calculated in two increments, fifty  
28 percent completion and one hundred percent completion, based on the student's completion of  
29 defined assignments and assessments, with distribution of state funding to a school district or  
30 charter school at each increment equal to forty-seven percent of hours of attendance possible for  
31 such course delivered in the nonvirtual program in a student's school district of residence or  
32 charter school.

33           4. When courses are purchased from an outside vendor, the district or charter school  
34 shall ensure that they are aligned with the show-me curriculum standards and comply with state  
35 requirements for teacher certification. The state board of education reserves the right to request  
36 information and materials sufficient to evaluate the online course. Online classes should be  
37 considered like any other class offered by the school district or charter school.

38           5. Any school district or charter school that offers instruction in a virtual setting,  
39 develops a virtual course or courses, or develops a virtual program of instruction shall ensure that  
40 the following standards are satisfied:

41           (1) The virtual course or virtual program utilizes appropriate content-specific tools and  
42 software;

43           (2) Orientation training is available for teachers, instructors, and students as needed;

44           (3) Privacy policies are stated and made available to teachers, instructors, and students;

45           (4) Academic integrity and internet etiquette expectations regarding lesson activities,  
46 discussions, electronic communications, and plagiarism are stated to teachers, instructors, and  
47 students prior to the beginning of the virtual course or virtual program;

48           (5) Computer system requirements, including hardware, web browser, and software, are  
49 specified to participants;

50           (6) The virtual course or virtual program architecture, software, and hardware permit the  
51 online teacher or instructor to add content, activities, and assessments to extend learning  
52 opportunities;

53           (7) The virtual course or virtual program makes resources available by alternative means,  
54 including but not limited to, video and podcasts;

55           (8) Resources and notes are available for teachers and instructors in addition to  
56 assessment and assignment answers and explanations;

57           (9) Technical support and course management are available to the virtual course or  
58 virtual program teacher and school coordinator;

59           (10) The virtual course or virtual program includes assignments, projects, and  
60 assessments that are aligned with students' different visual, auditory, and hands-on learning  
61 styles;

62           (11) The virtual course or virtual program demonstrates the ability to effectively use and  
63 incorporate subject-specific and developmentally appropriate software in an online learning  
64 module; and

65           (12) The virtual course or virtual program arranges media and content to help transfer  
66 knowledge most effectively in the online environment.

67           6. Any special school district shall count any student's completion of a virtual course or  
68 program in the same manner as the district counts completion of any other course or program for  
69 credit.

70           7. A school district or charter school may contract with multiple providers of virtual  
71 courses or virtual programs, provided they meet the criteria for virtual courses or virtual  
72 programs under this section.

73           **8. A parent or guardian may enroll his or her child in a virtual school of his or her**  
74 **choice if the child is enrolled in and has attended, for at least one semester immediately**  
75 **prior to enrolling in the virtual school, any of the following:**

76           **(1) An unaccredited school in any district in this state;**

77           **(2) An attendance center in an unaccredited district;**

78           **(3) An attendance center in a provisionally accredited district;**

79           **(4) An attendance center in a district that has most or all of its land area located**  
80 **in a county with a charter form of government and with more than six hundred thousand**  
81 **but fewer than seven hundred thousand inhabitants;**

82           **(5) An attendance center in a district that has most or all of its land area located**  
83 **in a county with a charter form of government and with more than nine hundred fifty**  
84 **thousand inhabitants; or**

85           **(6) An attendance center in a metropolitan district.**

86

87 **If the child is eligible to begin kindergarten or first grade at any school described in**  
88 **subdivisions (1) to (6) of this subsection, the requirement that the child be enrolled in and**  
89 **have attended, for at least one semester immediately prior to enrolling in the virtual school,**  
90 **any of such schools does not apply.**

91           **9. For purposes of subsection 8 of this section, a parent may enroll a child only in**  
92 **a virtual school that meets the requirements described in subdivisions (1) to (12) of**  
93 **subsection 5 of this section. Courses in such virtual school shall be aligned with the**  
94 **show-me curriculum standards and comply with state requirements for teacher**  
95 **certification. The state board of education shall reserve the right to request information**  
96 **and materials sufficient to evaluate any online course. These online courses shall be**  
97 **considered like any other courses offered by a school district or charter school. The**  
98 **student's district of residence shall pay tuition for any such student who enrolls in a virtual**  
99 **school under subsection 8 of this section. The tuition amount shall not exceed the state**  
100 **adequacy target, as defined in section 163.011. For purposes of this subsection, beginning**  
101 **on July 1, 2016, the state adequacy target amount used shall be as calculated under**  
102 **subsection 8 of section 163.031 for the applicable fiscal year.**

103           **10. If an unaccredited school becomes classified as provisionally accredited or**  
104 **accredited without provisions by the state board of education or if an unaccredited or**  
105 **provisionally accredited district becomes classified as accredited without provisions by the**  
106 **state board of education, any student who has enrolled in a virtual school described in**

107 subsection 8 of this section shall be permitted to continue his or her educational program  
108 in the virtual school through the completion of high school.

109 11. Unaccredited schools, unaccredited districts, and provisionally accredited  
110 districts shall be responsible for notifying students and parents and guardians of the  
111 virtual school options described in this section. The decision to enroll in such virtual school  
112 coursework shall be solely at the discretion of the student and his or her parent or  
113 guardian. School districts and schools shall not use the availability of a virtual school to  
114 prevent a student from transferring to another school under section 167.826.

162.1303. 1. For purposes of this section, “transient student” means any student  
2 who withdraws from one attendance center and enrolls in any other attendance center two  
3 or more times within two school years.

4 2. The department of elementary and secondary education shall annually calculate  
5 a transient student ratio for each attendance center, each charter school, and each local  
6 educational agency. The department shall annually calculate a transient student ratio for  
7 each school district based on the transient student ratios of all the attendance centers in  
8 such district. The department shall publish the transient student ratio of each district,  
9 each attendance center, each charter school, and each local educational agency on its  
10 website.

11 3. The department shall include, or cause to be included, in each district's school  
12 accountability report card the transient student ratio of the district and of each attendance  
13 center operated by the district.

14 4. The department shall include the transient student ratios of attendance centers,  
15 charter schools, and local educational agencies in their respective school accountability  
16 report cards.

17 5. The department shall publish the state's aggregate transient student ratio on its  
18 website.

19 6. A transient student ratio shall be calculated as the product of:

20 (1) One hundred; and

21 (2) The quotient of:

22 (a) The sum of the number of transient students and the number of students who  
23 withdrew from the district during the school year; and

24 (b) The sum of the number of students who enrolled in the district on or before the  
25 last Wednesday in September and the number of students who enrolled in the district after  
26 the last Wednesday of September.

27 7. Each school district, charter school, and local educational agency shall annually  
28 report to the department, by a date established by the department, any information and



29 data required to comply with and perform the calculation required by the provisions of  
30 this section.

162.1305. 1. For purposes of this section, “transient student” means any student  
2 who withdraws from one attendance center and enrolls in any other attendance center two  
3 or more times within two school years.

4 2. In the first year of attendance in a district or charter school, a transient student’s  
5 score on a statewide assessment shall not be included when calculating the status or  
6 progress scores on the district’s or charter school’s annual performance report scores. A  
7 transient student’s growth score shall be weighted at one hundred percent.

8 3. In the second year of attendance, a transient student’s score on a statewide  
9 assessment shall be weighted at thirty percent when calculating the district’s or charter  
10 school’s performance for purposes of the district’s or charter school’s annual performance  
11 report status or progress score, with the transient student’s growth score weighted at one  
12 hundred percent.

13 4. In the third year of attendance, a transient student’s score on a statewide  
14 assessment shall be weighted at seventy percent when calculating the district’s or charter  
15 school’s performance for purposes of the district’s or charter school’s annual performance  
16 report status or progress score, with the transient student’s growth score weighted at one  
17 hundred percent.

18 5. In the fourth year of attendance and any subsequent years of attendance, a  
19 transient student’s score on a statewide assessment shall be weighted at one hundred  
20 percent when calculating the district’s or charter school’s performance for purposes of the  
21 district’s or charter school’s annual performance report status or progress score, with the  
22 transient student’s growth score weighted at one hundred percent.

162.1310. If the state board of education classifies any district or attendance center  
2 as unaccredited, the district shall notify the parent or guardian of any student enrolled in  
3 the unaccredited district or unaccredited attendance center of the loss of accreditation  
4 within seven business days. The district shall also notify district taxpayers of the loss of  
5 accreditation within seven business days. The district’s notice shall include an explanation  
6 of which students may be eligible to transfer, the transfer process under sections 167.825  
7 to 167.827, and any services students may be entitled to receive. The district’s notice shall  
8 be written in a clear, concise, and easy-to-understand manner. The district shall post the  
9 notice in a conspicuous and accessible place in each district attendance center. The district  
10 shall also send the notice to each municipality located within the boundaries of the district.

162.1313. The school board of any district that operates an underperforming  
2 school, as defined in section 167.848, shall adopt a policy regarding the availability of home  
3 visits by school personnel. Pursuant to such policy, the school may offer the parent or

4 **guardian of a student enrolled in any such school the opportunity to have one or more**  
5 **annual home visits. If the school decides to offer one or more annual home visits, the**  
6 **school shall offer an opportunity for each visit to occur at the attendance center or at a**  
7 **mutually agreeable site.**

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and  
3 incidental funds for a school district as reported to the proper officer of each county pursuant to  
4 section 164.011;

5 (2) "Average daily attendance", the quotient or the sum of the quotients obtained by  
6 dividing the total number of hours attended in a term by resident pupils between the ages of five  
7 and twenty-one by the actual number of hours school was in session in that term. To the average  
8 daily attendance of the following school term shall be added the full-time equivalent average  
9 daily attendance of summer school students. "Full-time equivalent average daily attendance of  
10 summer school students" shall be computed by dividing the total number of hours, except for  
11 physical education hours that do not count as credit toward graduation for students in grades  
12 nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours  
13 required in section 160.011 in the school term. For purposes of determining average daily  
14 attendance under this subdivision, the term "resident pupil" shall include all children between  
15 the ages of five and twenty-one who are residents of the school district and who are attending  
16 kindergarten through grade twelve in such district. If a child is attending school in a district  
17 other than the district of residence and the child's parent is teaching in the school district or is  
18 a regular employee of the school district which the child is attending, then such child shall be  
19 considered a resident pupil of the school district which the child is attending for such period of  
20 time when the district of residence is not otherwise liable for tuition. Average daily attendance  
21 for students below the age of five years for which a school district may receive state aid based  
22 on such attendance shall be computed as regular school term attendance unless otherwise  
23 provided by law;

24 (3) "Current operating expenditures":

25 (a) For the fiscal year 2007 calculation, "current operating expenditures" shall be  
26 calculated using data from fiscal year 2004 and shall be calculated as all expenditures for  
27 instruction and support services except capital outlay and debt service expenditures minus the  
28 revenue from federal categorical sources; food service; student activities; categorical payments  
29 for transportation costs pursuant to section 163.161; state reimbursements for early childhood  
30 special education; the career ladder entitlement for the district, as provided for in sections  
31 168.500 to 168.515; the vocational education entitlement for the district, as provided for in  
32 section 167.332; and payments from other districts;

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures  
34 shall be the amount in paragraph (a) of this subdivision plus any increases in state funding  
35 pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five  
36 percent, per recalculation, of the state revenue received by a district in the 2004-05 school year  
37 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,  
38 and free textbook payments for any district from the first preceding calculation of the state  
39 adequacy target. Beginning on July 1, 2010, current operating expenditures shall be the amount  
40 in paragraph (a) of this subdivision plus any increases in state funding pursuant to sections  
41 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the 2004-05 school  
42 year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair  
43 share, and free textbook payments for any district from the first preceding calculation of the state  
44 adequacy target; **provided that, when used to recalculate the state adequacy target as**  
45 **provided in subdivision (18) of this section, any increase in state funding attributable to an**  
46 **individual district shall be limited to two hundred percent of the aggregate percentage**  
47 **increase in state funding for all of the performance districts used in the same recalculation;**

48 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the  
49 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for  
50 debt service;

51 (5) "Dollar-value modifier", an index of the relative purchasing power of a dollar,  
52 calculated as one plus fifteen percent of the difference of the regional wage ratio minus one,  
53 provided that the dollar value modifier shall not be applied at a rate less than 1.0:

54 (a) "County wage per job", the total county wage and salary disbursements divided by  
55 the total county wage and salary employment for each county and the City of St. Louis as  
56 reported by the Bureau of Economic Analysis of the United States Department of Commerce for  
57 the fourth year preceding the payment year;

58 (b) "Regional wage per job":

59 a. The total Missouri wage and salary disbursements of the metropolitan area as defined  
60 by the Office of Management and Budget divided by the total Missouri metropolitan wage and  
61 salary employment for the metropolitan area for the county signified in the school district  
62 number or the City of St. Louis, as reported by the Bureau of Economic Analysis of the United  
63 States Department of Commerce for the fourth year preceding the payment year and recalculated  
64 upon every decennial census to incorporate counties that are newly added to the description of  
65 metropolitan areas; or if no such metropolitan area is established, then:

66 b. The total Missouri wage and salary disbursements of the micropolitan area as defined  
67 by the Office of Management and Budget divided by the total Missouri micropolitan wage and  
68 salary employment for the micropolitan area for the county signified in the school district  
69 number, as reported by the Bureau of Economic Analysis of the United States Department of

70 Commerce for the fourth year preceding the payment year, if a micropolitan area for such county  
71 has been established and recalculated upon every decennial census to incorporate counties that  
72 are newly added to the description of micropolitan areas; or

73 c. If a county is not part of a metropolitan or micropolitan area as established by the  
74 Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of  
75 this subdivision, shall be used for the school district, as signified by the school district number;

76 (c) "Regional wage ratio", the ratio of the regional wage per job divided by the state  
77 median wage per job;

78 (d) "State median wage per job", the fifty-eighth highest county wage per job;

79 (6) "Free and reduced **price** lunch pupil count", for school districts not eligible for and  
80 those that do not choose the USDA Community Eligibility Option, the number of pupils eligible  
81 for free and reduced **price** lunch on the last Wednesday in January for the preceding school year  
82 who were enrolled as students of the district, as approved by the department in accordance with  
83 applicable federal regulations. For eligible school districts that choose the USDA Community  
84 Eligibility Option, the free and reduced **price** lunch pupil count shall be the percentage of free  
85 and reduced **price** lunch students calculated as eligible on the last Wednesday in January of the  
86 most recent school year that included household applications to determine free and reduced **price**  
87 lunch count multiplied by the district's average daily attendance figure;

88 (7) "Free and reduced **price** lunch threshold" shall be calculated by dividing the total free  
89 and reduced **price** lunch pupil count of every performance district that falls entirely above the  
90 bottom five percent and entirely below the top five percent of average daily attendance, when  
91 such districts are rank-ordered based on their current operating expenditures per average daily  
92 attendance, by the total average daily attendance of all included performance districts;

93 (8) "Limited English proficiency pupil count", the number in the preceding school year  
94 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school  
95 or secondary school who were not born in the United States or whose native language is a  
96 language other than English or are Native American or Alaskan native, or a native resident of  
97 the outlying areas, and come from an environment where a language other than English has had  
98 a significant impact on such individuals' level of English language proficiency, or are migratory,  
99 whose native language is a language other than English, and who come from an environment  
100 where a language other than English is dominant; and have difficulties in speaking, reading,  
101 writing, or understanding the English language sufficient to deny such individuals the ability to  
102 meet the state's proficient level of achievement on state assessments described in Public Law  
103 107-10, the ability to achieve successfully in classrooms where the language of instruction is  
104 English, or the opportunity to participate fully in society;

105 (9) "Limited English proficiency threshold" shall be calculated by dividing the total  
106 limited English proficiency pupil count of every performance district that falls entirely above the

107 bottom five percent and entirely below the top five percent of average daily attendance, when  
108 such districts are rank-ordered based on their current operating expenditures per average daily  
109 attendance, by the total average daily attendance of all included performance districts;

110 (10) "Local effort":

111 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized  
112 assessed valuation of the property of a school district in calendar year 2004 divided by one  
113 hundred and multiplied by the performance levy less the percentage retained by the county  
114 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for  
115 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts  
116 from state-assessed railroad and utility tax, one hundred percent of the amount received for  
117 school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to  
118 150.370, one hundred percent of the amounts received for school purposes from federal  
119 properties under sections 12.070 and 12.080 except when such amounts are used in the  
120 calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues  
121 received for school purposes from the school district trust fund under section 163.087, and one  
122 hundred percent of any local earnings or income taxes received by the district for school  
123 purposes. Under this paragraph, for a special district established under sections 162.815 to  
124 162.940 in a county with a charter form of government and with more than one million  
125 inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special  
126 school district;

127 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount  
128 calculated under paragraph (a) of this subdivision plus any increase in the amount received for  
129 school purposes from fines. If a district's assessed valuation has decreased subsequent to the  
130 calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be  
131 calculated using the district's current assessed valuation in lieu of the assessed valuation utilized  
132 in the calculation outlined in paragraph (a) of this subdivision. When a change in a school  
133 district's boundary lines occurs because of a boundary line change, annexation, attachment,  
134 consolidation, reorganization, or dissolution under section 162.071, 162.081, sections 162.171  
135 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school  
136 district assumes any territory from a district that ceases to exist for any reason, the department  
137 of elementary and secondary education shall make a proper adjustment to each affected district's  
138 local effort, so that each district's local effort figure conforms to the new boundary lines of the  
139 district. The department shall compute the local effort figure by applying the calendar year 2004  
140 assessed valuation data to the new land areas resulting from the boundary line change,  
141 annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the  
142 procedures described in this subdivision;

143 (11) "Membership" shall be the average of:

144 (a) The number of resident full-time students and the full-time equivalent number of  
145 part-time students who were enrolled in the public schools of the district on the last Wednesday  
146 in September of the previous year and who were in attendance one day or more during the  
147 preceding ten school days; and

148 (b) The number of resident full-time students and the full-time equivalent number of  
149 part-time students who were enrolled in the public schools of the district on the last Wednesday  
150 in January of the previous year and who were in attendance one day or more during the preceding  
151 ten school days, plus the full-time equivalent number of summer school pupils. "Full-time  
152 equivalent number of part-time students" is determined by dividing the total number of hours for  
153 which all part-time students are enrolled by the number of hours in the school term. "Full-time  
154 equivalent number of summer school pupils" is determined by dividing the total number of hours  
155 for which all summer school pupils were enrolled by the number of hours required pursuant to  
156 section 160.011 in the school term. Only students eligible to be counted for average daily  
157 attendance shall be counted for membership;

158 (12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and  
159 incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of  
160 any transitional school district containing the school district, in the payment year, not including  
161 any equalized operating levy for school purposes levied by a special school district in which the  
162 district is located;

163 (13) "Performance district", any district that has met performance standards and  
164 indicators as established by the department of elementary and secondary education for purposes  
165 of accreditation under section 161.092 and as reported on the final annual performance report  
166 for that district each year; for calculations to be utilized for payments in fiscal years subsequent  
167 to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of  
168 all public school districts;

169 (14) "Performance levy", three dollars and forty-three cents;

170 (15) "School purposes" pertains to teachers' and incidental funds;

171 (16) "Special education pupil count", the number of public school students with a current  
172 individualized education program or services plan and receiving services from the resident  
173 district as of December first of the preceding school year, except for special education services  
174 provided through a school district established under sections 162.815 to 162.940 in a county with  
175 a charter form of government and with more than one million inhabitants, in which case the sum  
176 of the students in each district within the county exceeding the special education threshold of  
177 each respective district within the county shall be counted within the special district and not in  
178 the district of residence for purposes of distributing the state aid derived from the special  
179 education pupil count;

180 (17) "Special education threshold" shall be calculated by dividing the total special  
181 education pupil count of every performance district that falls entirely above the bottom five  
182 percent and entirely below the top five percent of average daily attendance, when such districts  
183 are rank-ordered based on their current operating expenditures per average daily attendance, by  
184 the total average daily attendance of all included performance districts;

185 (18) "State adequacy target", the sum of the current operating expenditures of every  
186 performance district that falls entirely above the bottom five percent and entirely below the top  
187 five percent of average daily attendance, when such districts are rank-ordered based on their  
188 current operating expenditures per average daily attendance, divided by the total average daily  
189 attendance of all included performance districts. The department of elementary and secondary  
190 education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the  
191 state adequacy target every two years using the most current available data. The recalculation  
192 shall never result in a decrease from the previous state adequacy target amount. Should a  
193 recalculation result in an increase in the state adequacy target amount, fifty percent of that  
194 increase shall be included in the state adequacy target amount in the year of recalculation, and  
195 fifty percent of that increase shall be included in the state adequacy target amount in the  
196 subsequent year. The state adequacy target may be adjusted to accommodate available  
197 appropriations as provided in subsection 8 of section 163.031;

198 (19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal,  
199 supervising principal, superintendent or assistant superintendent, school nurse, social worker,  
200 counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve  
201 more than one-half time in the public schools and who is certified under the laws governing the  
202 certification of teachers in Missouri;

203 (20) "Weighted average daily attendance", the average daily attendance plus the product  
204 of twenty-five hundredths multiplied by the free and reduced **price** lunch pupil count that  
205 exceeds the free and reduced **price** lunch threshold, plus the product of seventy-five hundredths  
206 multiplied by the number of special education pupil count that exceeds the special education  
207 threshold, plus the product of six-tenths multiplied by the number of limited English proficiency  
208 pupil count that exceeds the limited English proficiency threshold. For special districts  
209 established under sections 162.815 to 162.940 in a county with a charter form of government and  
210 with more than one million inhabitants, weighted average daily attendance shall be the average  
211 daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced  
212 **price** lunch pupil count that exceeds the free and reduced **price** lunch threshold, plus the product  
213 of seventy-five hundredths multiplied by the sum of the special education pupil count that  
214 exceeds the threshold for each county district, plus the product of six-tenths multiplied by the  
215 limited English proficiency pupil count that exceeds the limited English proficiency threshold.  
216 None of the districts comprising a special district established under sections 162.815 to 162.940

217 in a county with a charter form of government and with more than one million inhabitants, shall  
218 use any special education pupil count in calculating their weighted average daily attendance.

163.018. 1. Notwithstanding the definition of average daily attendance in subdivision  
2 (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible  
3 for free and reduced **price** lunch and attend an early childhood education program that is  
4 operated by and in a district or by a charter school that has declared itself as a local educational  
5 agency providing full-day kindergarten and that meets standards established by the state board  
6 of education shall be included in the district's or charter school's calculation of average daily  
7 attendance. The total number of such pupils included in the district's or charter school's  
8 calculation of average daily attendance shall not exceed four percent of the total number of pupils  
9 who are eligible for free and reduced **price** lunch between the ages of [three] **five** and eighteen  
10 who are included in the district's or charter school's calculation of average daily attendance.

11 2. (1) For any district that has been declared unaccredited by the state board of education  
12 and remains unaccredited as of July 1, 2015, **and for any charter school located in said**  
13 **district**, the provisions of subsection 1 of this section shall become applicable during the 2015-  
14 16 school year.

15 (2) For any district that is declared unaccredited by the state board of education after July  
16 1, 2015, **and for any charter school located in said district**, the provisions of subsection 1 of  
17 this section shall become applicable immediately upon such declaration.

18 (3) For any district that has been declared provisionally accredited by the state board of  
19 education and remains provisionally accredited as of July 1, 2016, **and for any charter school**  
20 **located in said district**, the provisions of subsection 1 of this section shall become applicable  
21 beginning in the 2016-17 school year.

22 (4) For any district that is declared provisionally accredited by the state board of  
23 education after July 1, 2016, **and for any charter school located in said district**, the provisions  
24 of this section shall become applicable beginning in the 2016-17 school year or immediately  
25 upon such declaration, whichever is later.

26 (5) For all other districts **and charter schools**, the provisions of subsection 1 of this  
27 section shall become effective in any school year subsequent to a school year in which the  
28 amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the  
29 amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2  
30 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the  
31 amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

32 3. This section shall not require school attendance beyond that mandated under section  
33 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054,  
34 and 160.055 relating to kindergarten attendance.



163.031. 1. The department of elementary and secondary education shall calculate and  
2 distribute to each school district qualified to receive state aid under section 163.021 an amount  
3 determined by multiplying the district's weighted average daily attendance by the state adequacy  
4 target, multiplying this product by the dollar value modifier for the district, and subtracting from  
5 this product the district's local effort and, in years not governed under subsection 4 of this  
6 section, subtracting payments from the classroom trust fund under section 163.043.

7 2. Other provisions of law to the contrary notwithstanding:

8 (1) For districts with an average daily attendance of more than three hundred fifty in the  
9 school year preceding the payment year:

10 (a) For the 2006-07 school year, the state revenue per weighted average daily attendance  
11 received by a district from the state aid calculation under subsections 1 and 4 of this section, as  
12 applicable, and the classroom trust fund under section 163.043 shall not be less than the state  
13 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,  
14 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts  
15 multiplied by the sum of one plus the product of one-third multiplied by the remainder of the  
16 dollar value modifier minus one, and dividing this product by the weighted average daily  
17 attendance computed for the 2005-06 school year;

18 (b) For the 2007-08 school year, the state revenue per weighted average daily attendance  
19 received by a district from the state aid calculation under subsections 1 and 4 of this section, as  
20 applicable, and the classroom trust fund under section 163.043 shall not be less than the state  
21 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,  
22 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts  
23 multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the  
24 dollar value modifier minus one, and dividing this product by the weighted average daily  
25 attendance computed for the 2005-06 school year;

26 (c) For the 2008-09 school year, the state revenue per weighted average daily attendance  
27 received by a district from the state aid calculation under subsections 1 and 4 of this section, as  
28 applicable, and the classroom trust fund under section 163.043 shall not be less than the state  
29 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,  
30 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts  
31 multiplied by the dollar value modifier, and dividing this product by the weighted average daily  
32 attendance computed for the 2005-06 school year;

33 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than  
34 that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily  
35 attendance pursuant to section 163.036, less any increase in revenue received from the classroom  
36 trust fund under section 163.043;

37 (2) For districts with an average daily attendance of three hundred fifty or less in the  
38 school year preceding the payment year:

39 (a) For the 2006-07 school year, the state revenue received by a district from the state  
40 aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust  
41 fund under section 163.043 shall not be less than the greater of state revenue received by a  
42 district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted,  
43 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts  
44 multiplied by the sum of one plus the product of one-third multiplied by the remainder of the  
45 dollar value modifier minus one;

46 (b) For the 2007-08 school year, the state revenue received by a district from the state  
47 aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust  
48 fund under section 163.043 shall not be less than the greater of state revenue received by a  
49 district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted,  
50 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts  
51 multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the  
52 dollar value modifier minus one;

53 (c) For the 2008-09 school year, the state revenue received by a district from the state  
54 aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust  
55 fund under section 163.043 shall not be less than the greater of state revenue received by a  
56 district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted,  
57 remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts  
58 multiplied by the dollar value modifier;

59 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than  
60 that computed in paragraph (c) of this subdivision;

61 (3) The department of elementary and secondary education shall make an addition in the  
62 payment amount specified in subsection 1 of this section to assure compliance with the  
63 provisions contained in this subsection.

64 3. School districts that meet the requirements of section 163.021 shall receive categorical  
65 add-on revenue as provided in this subsection. The categorical add-on for the district shall be  
66 the sum of: seventy-five percent of the district allowable transportation costs under section  
67 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to  
68 168.515; the vocational education entitlement for the district, as provided for in section 167.332;  
69 and the district educational and screening program entitlements as provided for in sections  
70 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate  
71 available appropriations.

72           4. In the 2006-07 school year and each school year thereafter for five years, those  
73 districts entitled to receive state aid under the provisions of subsection 1 of this section shall  
74 receive state aid in an amount as provided in this subsection.

75           (1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of  
76 state aid calculated for the district for the 2006-07 school year under the provisions of subsection  
77 1 of this section, plus eighty-five percent of the total amount of state revenue received by the  
78 district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial  
79 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received  
80 under section 163.043.

81           (2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state  
82 aid calculated for the district for the 2007-08 school year under the provisions of subsection 1  
83 of this section, plus seventy percent of the total amount of state revenue received by the district  
84 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,  
85 exceptional pupil aid, fair share, and free textbook payments less any amounts received under  
86 section 163.043.

87           (3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the  
88 amount of state aid calculated for the district for the 2008-09 school year under the provisions  
89 of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received  
90 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial  
91 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received  
92 under section 163.043.

93           (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of  
94 the amount of state aid calculated for the district for the 2009-10 school year under the provisions  
95 of subsection 1 of this section plus forty-two percent of the total amount of state revenue  
96 received by the district for the 2005-06 school year from the foundation formula, line 14, gifted,  
97 remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts  
98 received under section 163.043.

99           (5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of  
100 the amount of state aid calculated for the district for the 2010-11 school year under the provisions  
101 of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue  
102 received by the district for the 2005-06 school year from the foundation formula, line 14, gifted,  
103 remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts  
104 received under section 163.043.

105           (6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of  
106 the amount of state aid calculated for the district for the 2011-12 school year under the provisions  
107 of subsection 1 of this section plus fourteen percent of the total amount of state revenue received  
108 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial

109 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received  
110 under section 163.043.

111 (7) (a) a. For the 2006-07 school year, if a school district experiences a decrease in  
112 summer school average daily attendance of more than twenty percent from the district's 2005-06  
113 summer school average daily attendance, an amount equal to the product of the percent reduction  
114 that is in excess of twenty percent of the district's summer school average daily attendance  
115 multiplied by the funds generated by the district's summer school program in the 2005-06 school  
116 year shall be subtracted from the district's current year payment amount.

117 b. For the 2007-08 school year, if a school district experiences a decrease in summer  
118 school average daily attendance of more than thirty percent from the district's 2005-06 summer  
119 school average daily attendance, an amount equal to the product of the percent reduction that is  
120 in excess of thirty percent of the district's summer school average daily attendance multiplied by  
121 the funds generated by the district's summer school program in the 2005-06 school year shall be  
122 subtracted from the district's payment amount.

123 c. For the 2008-09 school year, if a school district experiences a decrease in summer  
124 school average daily attendance of more than thirty-five percent from the district's 2005-06  
125 summer school average daily attendance, an amount equal to the product of the percent reduction  
126 that is in excess of thirty-five percent of the district's summer school average daily attendance  
127 multiplied by the funds generated by the district's summer school program in the 2005-06 school  
128 year shall be subtracted from the district's payment amount.

129 d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in  
130 the case of a district that is receiving a payment under section 163.044 or any district whose  
131 regular school term average daily attendance for the preceding year was three hundred fifty or  
132 less.

133 e. This paragraph shall not be construed to permit any reduction applied under this  
134 paragraph to result in any district receiving a current-year payment that is less than the amount  
135 calculated for such district under subsection 2 of this section.

136 (b) If a school district experiences a decrease in its gifted program enrollment of more  
137 than twenty percent from its 2005-06 gifted program enrollment in any year governed by this  
138 subsection, an amount equal to the product of the percent reduction in the district's gifted  
139 program enrollment multiplied by the funds generated by the district's gifted program in the  
140 2005-06 school year shall be subtracted from the district's current year payment amount.

141 5. For any school district meeting the eligibility criteria for state aid as established in  
142 section 163.021, but which is considered an option district under section 163.042 and therefore  
143 receives no state aid, the commissioner of education shall present a plan to the superintendent  
144 of the school district for the waiver of rules and the duration of said waivers, in order to promote

145 flexibility in the operations of the district and to enhance and encourage efficiency in the delivery  
146 of instructional services as provided in section 163.042.

147         6. (1) No less than seventy-five percent of the state revenue received under the  
148 provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the  
149 remaining percent of such moneys shall be placed in the incidental fund. No less than  
150 seventy-five percent of one-half of the funds received from the school district trust fund  
151 distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of  
152 revenue received under the provisions of section 163.161 shall be placed in the incidental fund.  
153 One hundred percent of revenue received under the provisions of sections 168.500 to 168.515  
154 shall be placed in the teachers' fund.

155         (2) A school district shall spend for certificated compensation and tuition expenditures  
156 each year:

157         (a) An amount equal to at least seventy-five percent of the state revenue received under  
158 the provisions of subsections 1, 2, and 4 of this section;

159         (b) An amount equal to at least seventy-five percent of one-half of the funds received  
160 from the school district trust fund distributed under section 163.087 during the preceding school  
161 year; and

162         (c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's  
163 weighted average daily attendance for certificated compensation and tuition expenditures the  
164 previous year from revenue produced by local and county tax sources in the teachers' fund, plus  
165 the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax  
166 sources by dividing local and county tax sources in the incidental fund by total revenue in the  
167 incidental fund.

168

169 In the event a district fails to comply with this provision, the amount by which the district fails  
170 to spend funds as provided herein shall be deducted from the district's state revenue received  
171 under the provisions of subsections 1, 2, and 4 of this section for the following year, provided  
172 that the state board of education may exempt a school district from this provision if the state  
173 board of education determines that circumstances warrant such exemption.

174         7. If a school district's annual audit discloses that students were inappropriately identified  
175 as eligible for free and reduced **price** lunch, special education, or limited English proficiency and  
176 the district does not resolve the audit finding, the department of elementary and secondary  
177 education shall require that the amount of aid paid pursuant to the weighting for free and reduced  
178 **price** lunch, special education, or limited English proficiency in the weighted average daily  
179 attendance on the inappropriately identified pupils be repaid by the district in the next school  
180 year and shall additionally impose a penalty of one hundred percent of such aid paid on such

181 pupils, which penalty shall also be paid within the next school year. Such amounts may be  
182 repaid by the district through the withholding of the amount of state aid.

183 8. Notwithstanding any provision of law to the contrary, **beginning on July 1, 2016**, in  
184 any fiscal year during which the total formula appropriation is insufficient to fully fund the  
185 entitlement calculation of this section, the department of elementary and secondary education  
186 shall adjust the state adequacy target in order to accommodate the appropriation level for the  
187 given fiscal year. **Beginning on July 1, 2016**, in no manner shall any payment modification be  
188 rendered for any district qualified to receive payments under subsection 2 of this section based  
189 on insufficient appropriations.

163.036. 1. In computing the amount of state aid a school district is entitled to receive  
2 for the minimum school term only under section 163.031, a school district may use an estimate  
3 of the weighted average daily attendance for the current year, or the weighted average daily  
4 attendance for the immediately preceding year or the weighted average daily attendance for the  
5 second preceding school year, whichever is greater. Beginning with the 2006-07 school year,  
6 the summer school attendance included in the average daily attendance as defined in subdivision  
7 (2) of section 163.011 shall include only the attendance hours of pupils that attend summer  
8 school in the current year. Beginning with the 2004-05 school year, when a district's official  
9 calendar for the current year contributes to a more than ten percent reduction in the average daily  
10 attendance for kindergarten compared to the immediately preceding year, the payment  
11 attributable to kindergarten shall include only the current year kindergarten average daily  
12 attendance. Any error made in the apportionment of state aid because of a difference between  
13 the actual weighted average daily attendance and the estimated weighted average daily  
14 attendance shall be corrected as provided in section 163.091, except that if the amount paid to  
15 a district estimating weighted average daily attendance exceeds the amount to which the district  
16 was actually entitled by more than five percent, interest at the rate of six percent shall be charged  
17 on the excess and shall be added to the amount to be deducted from the district's apportionment  
18 the next succeeding year.

19 2. Notwithstanding the provisions of subsection 1 of this section or any other provision  
20 of law, the state board of education shall make an adjustment for the immediately preceding year  
21 for any increase in the actual weighted average daily attendance above the number on which the  
22 state aid in section 163.031 was calculated. Said adjustment shall be made in the manner  
23 providing for correction of errors under subsection 1 of this section.

24 3. Any error made in the apportionment of state aid because of a difference between the  
25 actual equalized assessed valuation for the current year and the estimated equalized assessed  
26 valuation for the current year shall be corrected as provided in section 163.091, except that if the  
27 amount paid to a district estimating current equalized assessed valuation exceeds the amount to  
28 which the district was actually entitled, interest at the rate of six percent shall be charged on the

29 excess and shall be added to the amount to be deducted from the district's apportionment the next  
30 succeeding year.

31 4. For the purposes of distribution of state school aid pursuant to section 163.031, a  
32 school district with ten percent or more of its assessed valuation that is owned by one person or  
33 corporation as commercial or personal property who is delinquent in a property tax payment may  
34 elect, after receiving notice from the county clerk on or before March fifteenth that more than  
35 ten percent of its current taxes due the preceding December thirty-first by a single property owner  
36 are delinquent, to use in the local effort calculation of the state aid formula the district's  
37 equalized assessed valuation for the preceding year or the actual assessed valuation of the year  
38 for which the taxes are delinquent less the assessed valuation of property for which the current  
39 year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year  
40 for which the taxes are delinquent less the assessed valuation of property for which the current  
41 year's property tax is delinquent, a district must notify the department of elementary and  
42 secondary education on or before April first, except in the year enacted, of the current year  
43 amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes  
44 are owed and the total assessed valuation of the district for the year in which the taxes were due  
45 but not paid. Any district giving such notice to the department of elementary and secondary  
46 education shall present verification of the accuracy of such notice obtained from the clerk of the  
47 county levying delinquent taxes. When any of the delinquent taxes identified by such notice are  
48 paid during a four-year period following the due date, the county clerk shall give notice to the  
49 district and the department of elementary and secondary education, and state aid paid to the  
50 district shall be reduced by an amount equal to the delinquent taxes received plus interest. The  
51 reduction in state aid shall occur over a period not to exceed five years and the interest rate on  
52 excess state aid not refunded shall be six percent annually.

53 5. If a district receives state aid based on equalized assessed valuation as determined by  
54 subsection 4 of this section and if prior to such notice the district was paid state aid pursuant to  
55 section 163.031, the amount of state aid paid during the year of such notice and the first year  
56 following shall equal the sum of state aid paid pursuant to section 163.031 plus the difference  
57 between the state aid amount being paid after such notice minus the amount of state aid the  
58 district would have received pursuant to section 163.031 before such notice. To be eligible to  
59 receive state aid based on this provision the district must levy during the first year following such  
60 notice at least the maximum levy permitted school districts by Article X, Section 11(b) of the  
61 Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one  
62 cent per one hundred dollars assessed valuation.

63 **6. Notwithstanding the provisions of subsection 1 of this section, any district in**  
64 **which the local school board sponsors a charter school as provided in section 160.400 shall**  
65 **use only an estimate of the district's weighted average daily attendance for the current year**

66 **and shall not use a weighted average daily attendance count from any preceding year for**  
67 **purposes of determining the amount of state aid to which the district is entitled.**

167.121. 1. If the residence of a pupil is so located that attendance in the district of  
2 residence constitutes an unusual or unreasonable transportation hardship because of natural  
3 barriers, travel time, or distance, the commissioner of education or his **or her** designee may  
4 assign the pupil to another district. Subject to the provisions of this section, all existing  
5 assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may  
6 be continued or rescinded. The board of education of the district in which the pupil lives shall  
7 pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

8 2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a  
9 parent or guardian residing in a lapsed public school district or **a parent or guardian residing**  
10 **in a district that has [scored] received an annual performance report score consistent with**  
11 **a state board of education classification of** either unaccredited or provisionally accredited[,  
12 or a combination thereof, on two consecutive annual performance reports] may enroll the  
13 parent's or guardian's child in the Missouri virtual school created in section 161.670 provided the  
14 pupil first enrolls in the school district of residence. The school district of residence shall  
15 include the pupil's enrollment in the virtual school created in section 161.670 in determining the  
16 district's average daily attendance. Full-time enrollment in the virtual school shall constitute one  
17 average daily attendance equivalent in the school district of residence. Average daily attendance  
18 for part-time enrollment in the virtual school shall be calculated as a percentage of the total  
19 number of virtual courses enrolled in divided by the number of courses required for full-time  
20 attendance in the school district of residence.

21 (2) A pupil's residence, for purposes of this section, means residency established under  
22 section 167.020. Except for students residing in a K-8 district attending high school in a district  
23 under section 167.131, the board of the home district shall pay to the virtual school the amount  
24 required under section 161.670.

25 (3) Nothing in this section shall require any school district or the state to provide  
26 computers, equipment, internet or other access, supplies, materials or funding, except as provided  
27 in this section, as may be deemed necessary for a pupil to participate in the virtual school created  
28 in section 161.670.

29 (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
30 under the authority delegated in this section shall become effective only if it complies with and  
31 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
32 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
33 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
34 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
35 proposed or adopted after August 28, 2007, shall be invalid and void.



167.127. **If a school district contains a facility that serves neglected or delinquent children residing in a court-ordered group home, an institution for neglected children, or an institution for delinquent children, the department of elementary and secondary education shall be prohibited from creating any report or publication related to the Missouri school improvement program, or any successor program, in which data from the district's regularly enrolled pupils is aggregated with data from the children residing in such facilities.**

167.131. 1. The board of education of each district in this state that does not maintain [an accredited] **a high school** [pursuant to the authority of the state board of education to classify schools as established in section 161.092] **offering work through the twelfth grade** shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends an accredited **public high school** in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

**167.132. 1. For purposes of this section, the following terms mean:**

(1) **"Available receiving district", an accredited district able to receive transfer students under section 167.826;**

(2) **"Average per-pupil current expenditure", the average per-pupil current expenditure for a district as a whole as reported to the department of elementary and secondary education in its most recent school accountability report card under section 160.522;**

(3) **"Receiving approved charter school", an approved charter school, as defined in section 167.848, receiving transfer students under section 167.826;**

(4) **"Receiving district", a district receiving transfer students under section 167.826;**

11           **(5) “Sending district”, a district from which students are transferring to an**  
12 **available receiving district or an approved charter school, as allowed under section**  
13 **167.826.**

14           **2. Notwithstanding any other provisions of law to the contrary, a receiving district**  
15 **or a receiving approved charter school may negotiate with a sending district to accept a**  
16 **reduced tuition rate for transfer students. The receiving district or receiving approved**  
17 **charter school may limit the number of transfer students accepted at the reduced tuition**  
18 **rate as calculated under subsection 3 of this section. If the receiving district or receiving**  
19 **approved charter school elects to accept tuition as calculated under subsection 3 of this**  
20 **section and does not limit the number of transfer students accepted at such reduced rate,**  
21 **such district or approved charter school shall receive students through the education**  
22 **authority based solely on the parent request and available seats.**

23           **3. In school year 2015-16 and subsequent years, if a sending district and a receiving**  
24 **district or receiving approved charter school have agreed upon a reduced tuition rate, such**  
25 **tuition shall be calculated as the product of:**

26           **(1) The sum of the average per-pupil current expenditures of all available receiving**  
27 **districts for the sending district divided by the number of all available receiving districts**  
28 **for the sending district; and**

29           **(2) Seventy percent.**

30           **4. The appropriate education authority, as defined in section 167.848, that is**  
31 **coordinating the transfers for students in the sending district shall perform the calculation**  
32 **in subsection 3 of this section annually.**

33           **5. If there is disagreement as to the amount of tuition to be paid, the facts shall be**  
34 **submitted to the state board of education, and its decision in the matter shall be final.**

35           **6. For each of the first two full school years that a receiving district or receiving**  
36 **approved charter school charges a rate of tuition as calculated under subsection 3 of this**  
37 **section, accepts a minimum of twenty-five transfer students at such reduced rate, and does**  
38 **not limit the number of transfer students accepted at such reduced rate, if the aggregate**  
39 **scores of student growth of all the transfer students in the receiving district or receiving**  
40 **approved charter school meet or exceed targets established in the state accountability**  
41 **system, the receiving district or receiving approved charter school shall earn additional**  
42 **credit in academic achievement on its annual performance report. The department of**  
43 **elementary and secondary education shall promulgate an administrative rule to implement**  
44 **the provisions of this subsection. Any rule or portion of a rule, as that term is defined in**  
45 **section 536.010, that is created under the authority delegated in this section shall become**  
46 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
47 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**

48 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
49 the effective date, or to disapprove and annul a rule are subsequently held  
50 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
51 after the effective date of this section shall be invalid and void.

52 7. If a receiving district elects to accept tuition as calculated under subsection 3 of  
53 this section and does not limit the number of transfer students accepted at such reduced  
54 rate, the department of elementary and secondary education shall consider such action as  
55 an additional criterion when determining whether to assign the receiving district a  
56 classification of accredited with distinction.

57 8. If a receiving district or receiving approved charter school elects to accept tuition  
58 as calculated under subsection 3 of this section and does not limit the number of transfer  
59 students accepted at such reduced rate, ten percent of the amount calculated under  
60 subdivision (1) of subsection 3 of this section for the receiving district or receiving  
61 approved charter school shall be paid from the supplemental tuition fund created in  
62 subsection 9 of this section.

63 9. There is hereby created in the state treasury the "Supplemental Tuition Fund".  
64 The fund shall consist of any moneys appropriated annually by the general assembly from  
65 general revenue to such fund, any moneys paid into the state treasury and required by law  
66 to be credited to such fund and any gifts, bequests, or public or private donations to such  
67 fund. The state treasurer shall be custodian of the fund. The department of elementary  
68 and secondary education shall administer the fund. In accordance with sections 30.170 and  
69 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund  
70 and, upon appropriation, moneys in the fund shall be used solely for the administration of  
71 this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
72 remaining in the fund at the end of the biennium shall not revert to the credit of the  
73 general revenue fund. The state treasurer shall invest moneys in the fund in the same  
74 manner as other funds are invested. Any interest and moneys earned on such investments  
75 shall be credited to the fund.

167.642. 1. No underperforming district, as defined in section 167.848, located in  
2 a county with a charter form of government and with more than nine hundred fifty  
3 thousand inhabitants shall promote a student from the fifth grade to the sixth grade or  
4 from the eighth grade to the ninth grade who is two years or more below grade level as  
5 measured by quantifiable student performance data designated by the local district to  
6 satisfy the requirements of this section. The term "quantifiable student performance data"  
7 shall be as defined in subsection 2 of section 161.096.

8 2. Notwithstanding subsection 1 of this section, the provisions of this section shall  
9 not apply to any student with an individualized education program or any student

10 receiving services through a plan prepared under Section 504 of the Rehabilitation Act of  
11 1973.

167.685. 1. Each unaccredited district shall offer free tutoring and supplemental  
2 education services to students who are performing below grade level or identified by the  
3 district as struggling, using funds from the school district improvement fund to the extent  
4 that such funds are available. A district may implement the free tutoring services  
5 requirement by entering into a contract with a public library for online tutoring services  
6 as provided in section 170.215.

7 2. There is hereby created in the state treasury the "School District Improvement  
8 Fund". The fund shall consist of any gifts, bequests, or public or private donations to such  
9 fund. Any person or entity that makes a gift, bequest, or donation to the fund may specify  
10 the district that shall be the recipient of such gift, bequest, or donation.

11 3. The state treasurer shall be custodian of the fund. In accordance with sections  
12 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in  
13 accordance with distribution requirements and procedures developed by the department  
14 of elementary and secondary education and shall make disbursement of private funds  
15 according to the directions of the donor. If the donor did not specify how the private funds  
16 were to be disbursed, the state treasurer shall contact the donor to determine the manner  
17 of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in  
18 the fund shall be used solely for the administration of this section. A district that receives  
19 moneys from the fund may use such moneys to cover the cost of online tutoring services  
20 provided through a contract with a public library under section 170.215.

21 4. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
22 remaining in the fund at the end of the biennium shall not revert to the credit of the  
23 general revenue fund.

24 5. The state treasurer shall invest moneys in the fund in the same manner as other  
25 funds are invested. Any interest and moneys earned on such investments shall be credited  
26 to the fund.

167.688. 1. Any underperforming district, as defined in section 167.848, may  
2 perform any or all of the following actions including, but not limited to:

3 (1) Implement a new curriculum, including appropriate professional development,  
4 based on scientifically based research that offers substantial promise of improving  
5 educational achievement of low-achieving students;

6 (2) Retain an outside expert to advise the district or school on its progress toward  
7 regaining accreditation;

8           **(3) Enter into a contract with an education management company or education**  
9 **services provider that has a demonstrated record of effectiveness operating a school or**  
10 **schools;**

11           **(4) For any unaccredited school, enter into a collaborative relationship and**  
12 **agreement with an accredited district in which teachers from the unaccredited school may**  
13 **exchange positions with teachers from an accredited school in an accredited district for a**  
14 **period of two school weeks; or**

15           **(5) Implement any other change that is suggested by the state board of education,**  
16 **an expert or contractor approved under this section, or an assistance team under section**  
17 **161.087, in accordance with state law, that the school board has reason to believe will result**  
18 **in improved performance for accreditation purposes.**

19           **2. Any underperforming district that offers an attendance recovery program**  
20 **designed exclusively to allow students to recapture attendance hours lost due to absences**  
21 **shall be allowed to include such attendance recovery hours in the district's attendance rate**  
22 **for purposes of the Missouri school improvement program accreditation scoring. Districts**  
23 **may offer attendance recovery programs on Saturdays or at any time before or after the**  
24 **school's regularly scheduled school hours. Extended hour and day programs designed for**  
25 **remediation or enrichment purposes shall not fulfill the criteria of attendance recovery**  
26 **programs as provided in this subsection.**

**167.730. 1. Beginning July 1, 2016, and continuing thereafter, every public school,**  
2 **including every charter school, in the metropolitan school district or in any urban school**  
3 **district containing most or all of a home rule city with more than four hundred thousand**  
4 **inhabitants and located in more than one county shall incorporate a response-to-**  
5 **intervention tiered approach to reading instruction to focus resources on students who are**  
6 **determined by their school to need additional or changed instruction to make progress as**  
7 **readers. At a minimum, the reading levels of students in kindergarten through tenth grade**  
8 **shall be assessed at the beginning and middle of the school year, and students who score**  
9 **below district benchmarks shall be provided with intensive and systematic reading**  
10 **instruction.**

11           **2. Beginning January 1, 2016, and every January first thereafter, every public**  
12 **school, including every charter school, in the metropolitan school district or in any urban**  
13 **school district containing most or all of a home rule city with more than four hundred**  
14 **thousand inhabitants and located in more than one county shall prepare a personalized**  
15 **learning plan for any kindergarten or first grade student whose most recent school-wide**  
16 **reading assessment result shows the student is working below grade level unless the student**  
17 **has been determined by other means in the current school year to be working at grade level**  
18 **or above. The provisions of this section shall not apply to students otherwise served under**

19 an individualized education program, to students receiving services through a plan  
20 prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element  
21 addressing reading below grade level, or to students determined to have limited English  
22 proficiency.

23 3. For any student who is required by this section to have a personalized learning  
24 plan, the student's main teacher shall consult with the student's parent or guardian during  
25 the preparation of the plan and shall consult, as appropriate, any district personnel or  
26 department of elementary and secondary education personnel with necessary expertise to  
27 develop such a plan. The school shall require the written consent of the parent or guardian  
28 to implement the plan; however, if the school is unsuccessful in contacting the parent or  
29 guardian by January fifteenth, the school may send a letter by certified mail to the  
30 student's last known address stating its intention to implement the plan by February first.

31 4. After implementing the personalized learning plan through the end of the  
32 student's first grade year, the school shall refer any student who still performs below grade  
33 level for assessment to determine if an individualized education program is necessary for  
34 the student. A student who is assessed as not needing an individualized education program  
35 but who is reading below grade level at the end of the first grade shall continue to be  
36 required to have a personalized learning plan until the student is reading at grade level.

37 5. Notwithstanding any provision of law to the contrary, any student in a  
38 metropolitan school district, in any urban school district containing most or all of a home  
39 rule city with more than four hundred thousand inhabitants and located in more than one  
40 county, or in any charter school located in any such district who is not reading at second-  
41 grade level by the end of second grade may be promoted to the third grade only under one  
42 of the following circumstances:

43 (1) The school provides additional reading instruction during the summer and  
44 demonstrates the student is ready for third grade at the end of the summer school;

45 (2) The school provides a combined classroom in which the student continues with  
46 the same teacher, sometimes referred to as "looping". If the student in such a classroom  
47 is not reading at third-grade level by the end of third grade, the student shall be retained  
48 in third grade; or

49 (3) The student's parents or guardians have signed a notice that they prefer to have  
50 their student promoted although the student is reading below grade level. The school shall  
51 have the final determination on the issue of retention.

52 6. The metropolitan school district, any urban school district containing most or  
53 all of a home rule city with more than four hundred thousand inhabitants and located in  
54 more than one county, and each charter school located in them shall provide in its annual  
55 report card under section 160.522 the numbers and percentages by grade from first grade

56 to tenth grade in each school of any students at any grade level who have been promoted  
57 who have been determined as reading below grade level, except that no reporting shall  
58 permit the identification of an individual student.

59 7. School districts and charter schools under this section may provide for a student  
60 promotion and retention program and a reading instruction program that are equivalent  
61 to those that are described in this section with the oversight and approval of the  
62 department of elementary and secondary education.

167.825. 1. For school year 2015-16, students who transferred from an  
2 unaccredited district to an accredited district in the same or an adjoining county under  
3 section 167.131 as it existed on July 1, 2013, shall be allowed to participate under the same  
4 terms that governed such transfers in school year 2013-14, except that section 167.132 shall  
5 apply to determine the reimbursement of their tuition.

6 2. Notwithstanding the provisions of subsection 1 of this section, for school year  
7 2015-16, any student who transferred from an unaccredited district to an accredited  
8 district in the same or an adjoining county in school year 2013-14 or school year 2014-15  
9 but did not attend a public school in the unaccredited district for the semester prior to the  
10 transfer, unless the student was entering kindergarten or first grade when he or she  
11 transferred, shall no longer be eligible to transfer under this section in school year 2015-16.

12 3. For school year 2015-16, if an unaccredited district becomes classified as  
13 provisionally accredited or accredited without provisions by the state board of education,  
14 any resident student of the unaccredited district who has transferred under section 167.131  
15 as it existed on July 1, 2013, shall be permitted to continue the student's educational  
16 program through the completion of middle school, junior high school, or high school,  
17 whichever occurs first, except that a student who attends any school serving students  
18 through high school graduation but starting at grades lower than ninth grade shall be  
19 permitted to complete high school in the school to which he or she has transferred.  
20 However, any such student shall have previously attended a school in the sending district  
21 for at least one semester immediately before initially transferring, unless the student was  
22 entering kindergarten or was a first grade student, and shall continue to reside within the  
23 boundaries of the unaccredited district as those boundaries existed when the student  
24 entered the transfer program to maintain eligibility. A student who returns to his or her  
25 district of residence shall be ineligible to transfer again.

26 4. Notwithstanding any other provision of law, any student who was participating  
27 in the school transfer program before January 1, 2015, and who attended, for at least one  
28 semester immediately prior to transferring, a school in an unaccredited district, shall have  
29 the option of transferring to a virtual school as provided in subsection 8 of section  
30 162.1250, an approved charter school, or another public school in the student's district of

31 residence that offers the student's grade level of enrollment, as further provided in section  
32 167.826.

167.826. 1. Any student may transfer to another public school in the student's  
2 district of residence that offers the student's grade level of enrollment and that is  
3 accredited without provisions by the state board of education if such student is enrolled in  
4 and has attended an unaccredited school in an unaccredited district for the full semester  
5 immediately prior to requesting the transfer.

6 2. Any student may transfer to another public school in the student's district of  
7 residence that offers the student's grade level of enrollment and that is accredited without  
8 provisions by the state board of education if such student is enrolled in and has attended  
9 an unaccredited school, for the full semester immediately prior to requesting the transfer,  
10 in:

11 (1) An urban school district;

12 (2) A metropolitan school district;

13 (3) A district that has most or all of its land area located in a county with a charter  
14 form of government and with more than nine hundred fifty thousand inhabitants; or

15 (4) A district that has most or all of its land area located in a county with a charter  
16 form of government and with more than six hundred thousand but fewer than seven  
17 hundred thousand inhabitants.

18 3. No such transfer under subsections 1 and 2 of this section shall result in a class  
19 size and assigned enrollment in a receiving school that exceeds the standards for class size  
20 and assigned enrollment as promulgated in the Missouri school improvement program's  
21 resource standards. If the student chooses to attend a magnet school, an academically  
22 selective school, or a school with a competitive entrance process within his or her district  
23 of residence that has admissions requirements, the student shall meet such admissions  
24 requirements in order to attend. The school board of each district described in subsections  
25 1 and 2 of this section that operates an unaccredited school shall determine the capacity  
26 at each of the district's attendance centers that the state board of education has assigned  
27 a classification designation of accredited or accredited with distinction. The district's  
28 school board shall be responsible for coordinating student transfers from unaccredited  
29 schools to accredited schools within the district. No student enrolled in and attending an  
30 attendance center that does not offer classes above the second grade level shall be eligible  
31 to transfer under this section.

32 4. Any student who is enrolled in and has attended an unaccredited school in an  
33 unaccredited district for the full semester immediately prior to requesting the transfer and  
34 who has first attempted but is unable to transfer to an accredited school within his or her  
35 district of residence under subsection 1 of this section due to a lack of capacity in



36 accredited schools in the district of residence may apply to the appropriate education  
37 authority to transfer to:

38 (1) An accredited school in another district located in the same or an adjoining  
39 county; or

40 (2) An approved charter school, as defined in section 167.848, in another district  
41 located in the same or an adjoining county.

42 5. After the state board of education has assigned classification designations to all  
43 attendance centers under subsection 3 of section 161.238 and continuing thereafter, any  
44 student who is eligible to transfer under subsection 2 of this section and who has first  
45 attempted but is unable to transfer to an accredited school within his or her district of  
46 residence under subsection 2 of this section due to a lack of capacity in accredited schools  
47 in the district of residence may apply to the appropriate education authority to transfer to:

48 (1) An accredited school in another district located in the same or an adjoining  
49 county; or

50 (2) An approved charter school, as defined in section 167.848, in another district  
51 located in the same or an adjoining county.

52 6. The application to the education authority to transfer shall be made by March  
53 first before the school year in which the student intends to transfer.

54 7. A student who is eligible to begin kindergarten or first grade at an unaccredited  
55 school as described in subsection 1 or 2 of this section may apply to the appropriate  
56 education authority for a transfer if he or she resides in the attendance area of an  
57 unaccredited school on March first preceding the school year of first attendance. A student  
58 who does not apply by March first shall be required to enroll and attend for one semester  
59 to become eligible to transfer. If the student chooses to apply to attend a magnet school,  
60 an academically selective school, or a school with a competitive entrance process that has  
61 admissions requirements, the student shall furnish proof that he or she meets such  
62 admissions requirements. Any student who does not maintain residency in the attendance  
63 area of his or her attendance center in the district of residence shall lose eligibility to  
64 transfer. Any student who transfers but later withdraws shall lose eligibility to transfer.  
65 The transfer provisions of this subsection shall not apply to a district created under  
66 sections 162.815 to 162.840 or to any early childhood programs or early childhood special  
67 education programs.

68 8. No unaccredited district, provisionally accredited district, unaccredited school,  
69 or provisionally accredited school shall be eligible to receive transfer students, except that,  
70 within an unaccredited district, students may transfer from unaccredited schools to  
71 accredited schools, and a transfer student who chooses to attend a provisionally accredited

72 school in the district of residence shall be allowed to transfer to such school if there is an  
73 available slot.

74 9. If a charter school may receive nonresident transfer students under this section  
75 because it has been operating for less than three years but then loses its status as an  
76 approved charter school immediately after those three years because its three-year average  
77 score on its annual performance report is below seventy percent, any students who  
78 previously transferred to the charter school may remain enrolled in the charter school but  
79 no additional nonresident students may transfer to the charter school.

80 10. No attendance center with a three-year average score of seventy percent or  
81 lower on its annual performance report shall be eligible to receive any transfer students,  
82 irrespective of its state board of education classification designation, except that any  
83 student who was granted a transfer to such an attendance center prior to the effective date  
84 of this section may remain enrolled in that attendance center.

85 11. For a receiving district or receiving approved charter school, no acceptance of  
86 a transfer student shall require any of the following actions, unless the school board of the  
87 receiving district or the receiving approved charter school's governing board has approved  
88 the action:

89 (1) A class size and assigned enrollment in a receiving school that exceeds the  
90 number of students provided by its approved policy on class size under subsection 12 of  
91 this section;

92 (2) The hiring of additional classroom teachers; or

93 (3) The construction of additional classrooms.

94 12. Each receiving district and each receiving approved charter school shall have  
95 the right to establish and adopt, by objective means, a policy for desirable class size and  
96 student-teacher ratios. A district's policy may allow for estimated growth in the resident  
97 student population. An approved charter school may use the class size, student-teacher  
98 ratios, and growth projections for student enrollment contained in the charter school's  
99 charter application and charter when adopting a policy. Any district or approved charter  
100 school that adopts such a policy shall do so by January first annually. A receiving district  
101 or receiving approved charter school shall publish its policy and shall not be required to  
102 accept any transfer students under this section that would violate its class size or student-  
103 teacher ratio. If a student seeking to transfer is denied admission to a district or approved  
104 charter school based on a lack of space under the policy, the student or the student's parent  
105 or guardian may appeal the ruling to the state board of education if he or she believes the  
106 district's policy or approved charter school's policy is unduly restrictive to student  
107 transfers. If more than one student or parent appeals a denial of admission from the same  
108 district or approved charter school to the state board of education, the state board shall

109 **make an effort to hear such actions at the same time. If the state board of education finds**  
110 **that the policy is unduly restrictive to student transfers, the state board may limit the**  
111 **policy. The state board's decision shall be final.**

112 **13. For each student who transfers to another district or approved charter school,**  
113 **the student's district of residence shall pay the tuition amount for each transfer student to**  
114 **the receiving district or receiving approved charter school in two increments annually,**  
115 **once at the start of the school year and once at the start of the second semester of the school**  
116 **year. Each receiving district and receiving approved charter school shall adopt a policy**  
117 **establishing a tuition rate by February first annually.**

118 **14. If an unaccredited school becomes classified as provisionally accredited or**  
119 **accredited without provisions by the state board of education, any student who was**  
120 **assigned to such attendance center and who has transferred under this section shall be**  
121 **permitted to continue his or her educational program in that education option through the**  
122 **completion of middle school, junior high school, or high school, whichever occurs first,**  
123 **except that a student who attends any school serving students through high school**  
124 **graduation but starting at grades lower than ninth grade shall be permitted to complete**  
125 **high school in the school to which he or she has transferred.**

126 **15. (1) Except as provided in subdivision (2) of this subsection, if a district**  
127 **described in subsection 1 or 2 of this section operates an unaccredited school, the education**  
128 **authority for the county in which the district is located shall designate at least one**  
129 **accredited district in the same or an adjoining county to which the district operating the**  
130 **unaccredited school shall provide transportation for transfer students. If the designated**  
131 **district reaches full student capacity and is unable to receive additional students, the**  
132 **education authority shall designate at least one additional accredited district to which the**  
133 **district operating an unaccredited school shall provide transportation for transfer**  
134 **students.**

135 **(2) For the 2015-16 school year, and until such time as the governor has appointed**  
136 **a number of members sufficient to constitute a quorum to the education authority whose**  
137 **geographic coverage area includes a district operating an unaccredited school, the**  
138 **department of elementary and secondary education shall designate at least one accredited**  
139 **district in the same or an adjoining county to which a district operating an unaccredited**  
140 **school shall provide transportation for transfer students. If the designated district reaches**  
141 **full student capacity and is unable to receive additional students, the department shall**  
142 **designate at least one additional accredited district to which a district operating an**  
143 **unaccredited school shall provide transportation for transfer students.**

144 **(3) During the 2015-16 school year, for any district in a county with a charter form**  
145 **of government and with more than nine hundred fifty thousand inhabitants that the state**

146 **board of education classified as unaccredited effective January 1, 2013, the costs of**  
147 **providing transportation for transfer students to a designated accredited district in the**  
148 **same or an adjoining county shall be paid from the student transfer transportation fund.**  
149 **There is hereby created in the state treasury the "Student Transfer Transportation Fund",**  
150 **which shall consist of moneys appropriated to this fund. The state treasurer shall be**  
151 **custodian of the fund. The commissioner of education shall administer the fund. In**  
152 **accordance with sections 30.170 and 30.180, the state treasurer may approve**  
153 **disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used**  
154 **solely by the department of elementary and secondary education for the purposes of this**  
155 **subdivision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
156 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
157 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**  
158 **manner as other funds are invested. Any interest and moneys earned on such investments**  
159 **shall be credited to the fund.**

160 **(4) Beginning in the 2016-17 school year, when determining transportation**  
161 **arrangements under this subsection, neither the department of elementary and secondary**  
162 **education nor any education authority shall contract with or collaborate with any**  
163 **established regional association or cooperative of school districts located in any city not**  
164 **within a county or any county with a charter form of government and with more than nine**  
165 **hundred fifty thousand inhabitants.**

166 **16. Notwithstanding the provisions of subsection 13 of this section to the contrary,**  
167 **if costs associated with the provision of special education and related services to a student**  
168 **with a disability exceed the tuition amount established under this section, the transfer**  
169 **student's district of residence shall remain responsible to pay the excess cost to the**  
170 **receiving district or receiving approved charter school. If the receiving district is a**  
171 **component district of a special school district, the transfer student's district of residence,**  
172 **including any metropolitan school district, shall contract with the special school district for**  
173 **the entirety of the costs to provide special education and related services, excluding**  
174 **transportation pursuant to this section. The special school district may contract with the**  
175 **transfer student's district of residence, including any metropolitan district, for the**  
176 **provision of transportation of a student with a disability, or the transfer student's district**  
177 **of residence may provide transportation on its own.**

178 **17. A special school district shall continue to provide special education and related**  
179 **services, with the exception of transportation under this section, to a student with a**  
180 **disability transferring from an unaccredited school within a component district to an**  
181 **accredited school within the same or a different component district within the special**  
182 **school district.**

183           **18. If any metropolitan school district operates an unaccredited school, it shall**  
184 **remain responsible for the provision of special education and related services, including**  
185 **transportation, to students with disabilities. A special school district in an adjoining**  
186 **county to a metropolitan school district may contract with the metropolitan school district**  
187 **for the reimbursement of special education services pursuant to sections 162.705 and**  
188 **162.710 provided by the special school district for transfer students who are residents of**  
189 **the district operating an unaccredited school.**

190           **19. Regardless of whether transportation is identified as a related service within**  
191 **a student's individualized education program, a receiving district that is not part of a**  
192 **special school district shall not be responsible for providing transportation to a student**  
193 **transferring under this section. A district operating an unaccredited school may contract**  
194 **with a receiving district that is not part of a special school district pursuant to sections**  
195 **162.705 and 162.710 for transportation of students with disabilities.**

196           **20. If a seven-director district or urban school district as described under**  
197 **subsection 1 or 2 of this section operates an unaccredited school, it may contract with a**  
198 **receiving district that is not part of a special school district in the same or an adjoining**  
199 **county for the reimbursement of special education and related services pursuant to sections**  
200 **162.705 and 162.710 provided by the receiving district for transfer students who are**  
201 **residents of the district operating an unaccredited school.**

**167.827. 1. By August 1, 2015, and by January first annually, each district eligible**  
2 **to receive transfer students under section 167.826 shall report to the education authority**  
3 **for the county in which the district is located its number of available enrollment slots in**  
4 **accredited schools by grade level. Each district described in subsection 1 or 2 of section**  
5 **167.826 operating an unaccredited school shall report to the education authority the**  
6 **number of available enrollment slots in the accredited schools of the district by August 1,**  
7 **2015, and by January first annually. Each approved charter school that is eligible to**  
8 **receive transfer students under section 167.826 shall report the number of available**  
9 **enrollment slots by August 1, 2015, and by January first annually.**

10           **2. Any education authority whose geographic area includes a district described in**  
11 **subsection 1 or 2 of section 167.826 operating an unaccredited school shall make**  
12 **information and assistance available to parents or guardians who intend to transfer their**  
13 **child from an unaccredited school to an accredited school in another district in the same**  
14 **or an adjoining county or an approved charter school in another district in the same or an**  
15 **adjoining county.**

16           **3. The parent or guardian of a student who intends to transfer his or her child from**  
17 **an unaccredited school to an accredited school in another district in the same or an**  
18 **adjoining county or an approved charter school in another district in the same or an**

19 **adjoining county shall send initial notification to the education authority for the county in**  
20 **which he or she resides by March first for enrollment in the subsequent school year.**

21 **4. The education authority whose geographic area includes a district that operates**  
22 **an unaccredited school described in subsection 1 or 2 of section 167.826 shall assign those**  
23 **students who are unable to transfer to an accredited school in their district of residence**  
24 **and seek to transfer to an accredited school in another district in the same or an adjoining**  
25 **county or an approved charter school in another district in the same or an adjoining**  
26 **county. When assigning transfer students to approved charter schools, an education**  
27 **authority shall coordinate with each approved charter school and its admissions process**  
28 **if capacity is insufficient to enroll all students who submit a timely application. An**  
29 **approved charter school shall not be required to receive any transfer students that would**  
30 **require it to institute a lottery procedure for determining the admission of resident**  
31 **students. The authority shall give first priority to students who live in the same household**  
32 **with any family member within the first or second degree of consanguinity or affinity who**  
33 **have already transferred and who apply to attend the same school. If insufficient grade-**  
34 **appropriate enrollment slots are available for a student to be able to transfer, that student**  
35 **shall receive first priority the following school year. The authority shall only disrupt**  
36 **student and parent choice for transfer if the available slots are requested by more students**  
37 **than there are slots available. The authority shall consider the following factors in**  
38 **assigning schools, with the student's or parent's choice as the most important factor:**

- 39 **(1) The student's or parent's choice of the receiving school;**  
40 **(2) The best interests of the student; and**  
41 **(3) Distance and travel time to a receiving school.**

42

43 **The education authority shall not consider student academic performance, free and**  
44 **reduced price lunch status, or athletic ability in assigning a student to a school. When**  
45 **assigning transfer students to approved charter schools, an education authority shall**  
46 **coordinate with each approved charter school and its admissions process if capacity is**  
47 **insufficient to enroll all students who submit a timely application.**

48 **5. An education authority may deny a transfer to a student who in the most recent**  
49 **school year has been suspended from school two or more times or who has been suspended**  
50 **for an act of school violence under subsection 2 of section 160.261. A student whose**  
51 **transfer is initially precluded under this subsection may be permitted to transfer on a**  
52 **provisional basis as a probationary transfer student, subject to no further disruptive**  
53 **behavior, upon a statement from the student's current school that the student is not**  
54 **disruptive. A student who is denied a transfer under this subsection has the right to an in-**  
55 **person meeting with a representative of the authority. Each education authority shall**

56 **develop administrative guidelines to provide common standards for determining disruptive**  
57 **behavior that shall include, but not be limited to, criteria under the safe schools act.**

58 **6. Notwithstanding any other provision of law, the test scores of transfer students**  
59 **attending schools in districts other than their district of residence under section 167.826**  
60 **shall be counted as follows:**

61 **(1) In the first year of attendance in a district or approved charter school, a**  
62 **transfer student's score on a statewide assessment shall not be included when calculating**  
63 **the status or progress scores on the district's or charter school's annual performance**  
64 **report scores. The growth score shall be weighted at one hundred percent.**

65 **(2) In the second year of attendance, a transfer student's score on a statewide**  
66 **assessment shall be weighted at thirty percent when calculating the district's or charter**  
67 **school's performance for purposes of the district's or charter school's annual performance**  
68 **report status or progress score, with the growth score weighted at one hundred percent.**

69 **(3) In the third year of attendance, a transfer student's score on a statewide**  
70 **assessment shall be weighted at seventy percent when calculating the district's or charter**  
71 **school's performance for purposes of the district's or charter school's annual performance**  
72 **report status or progress score, with the growth score weighted at one hundred percent.**

73 **(4) In the fourth year of attendance and any subsequent years of attendance, a**  
74 **transfer student's score on a statewide assessment shall be weighted at one hundred**  
75 **percent when calculating the district's or charter school's performance for purposes of the**  
76 **district's or charter school's annual performance report status or progress score, with the**  
77 **growth score weighted at one hundred percent.**

78 **7. When performing the requirements of this section, section 167.132, or sections**  
79 **167.830 to 167.845, if an education authority whose geographic area includes a district that**  
80 **operates an unaccredited school as described in subsection 1 or 2 of section 167.826 is not**  
81 **coordinating transfers due to insufficient funding or because the governor has not yet**  
82 **appointed a number of members sufficient to constitute a quorum to the education**  
83 **authority, the department of elementary and secondary education shall contract with or**  
84 **collaborate with any organizations it chooses, subject to the exception described in**  
85 **subsection 8 of this section, in order to coordinate transfers that each education authority**  
86 **is required to coordinate under such sections. The department of elementary and**  
87 **secondary education and such organization or organizations it chooses shall fulfill all**  
88 **functions of the education authorities, including the duty to perform the tuition calculation**  
89 **as described in subsection 4 of section 167.132. Any applications for transfers and any**  
90 **reports of available enrollment slots that the education authorities would have received**  
91 **shall be submitted to the department of elementary and secondary education or such**  
92 **organization or organizations it chooses instead.**

93           **8. Beginning in the 2016-17 school year, when performing the requirements of this**  
94 **section or sections 167.830 to 167.845, neither the department of elementary and secondary**  
95 **education nor any education authority shall contract with or collaborate with any**  
96 **established regional association or cooperative of school districts located in any city not**  
97 **within a county or any county with a charter form of government and with more than nine**  
98 **hundred fifty thousand inhabitants. No such regional association or cooperative of school**  
99 **districts shall receive any applications for transfers nor perform any functions assigned to**  
100 **the education authorities.**

**167.830. 1. There is hereby established the "St. Louis Area Education Authority".**  
2 **The authority is hereby constituted a public instrumentality and body politic and**  
3 **corporate, and the exercise by the authority of the powers conferred by this section shall**  
4 **be deemed and held to be the performance of an essential public function. Unless**  
5 **otherwise provided, the authority shall be subject to all general laws pertaining to the**  
6 **operation of seven-director districts as defined in section 160.011.**

7           **2. If any metropolitan school district, any district located in any county with a**  
8 **charter form of government and with more than nine hundred fifty thousand inhabitants,**  
9 **or any district located in an adjoining county to them operates at least one unaccredited**  
10 **school, the authority shall coordinate student transfers from unaccredited schools to**  
11 **schools in accredited districts as set forth in section 167.826 and, if applicable, to approved**  
12 **charter schools.**

13           **3. The authority shall consist of five members to be appointed by the governor, by**  
14 **and with the advice and consent of the senate, each of whom shall be a resident of the state.**  
15 **The members shall reflect the population characteristics of the districts they represent.**  
16 **Not more than three of the five members of the authority shall be of the same political**  
17 **party. Two members shall be residents of the metropolitan school district, two members**  
18 **shall be residents of school districts located in a county with a charter form of government**  
19 **and with more than nine hundred fifty thousand inhabitants, and one member shall be a**  
20 **resident of a district located in an adjoining county to a county with a charter form of**  
21 **government and with more than nine hundred fifty thousand inhabitants. The length of**  
22 **term for members shall be six years except for the initial members, who shall be appointed**  
23 **in the following manner:**

- 24           **(1) One member shall be appointed for a term of two years;**  
25           **(2) One member shall be appointed for a term of three years;**  
26           **(3) One member shall be appointed for a term of four years;**  
27           **(4) One member shall be appointed for a term of five years; and**  
28           **(5) One member shall be appointed for a term of six years.**



29           **4. The term length of each initial appointee shall be designated by the governor at**  
30 **the time of making the appointment. Upon the expiration of the initial terms of office,**  
31 **successor members shall be appointed for terms of six years and shall serve until their**  
32 **successors have been appointed and have qualified. Any member shall be eligible for**  
33 **reappointment. The governor shall fill any vacancy for the remainder of any unexpired**  
34 **term within thirty days of notification of the vacancy. Any member of the authority may**  
35 **be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other**  
36 **cause after notice and a public hearing unless the notice or hearing shall be expressly**  
37 **waived in writing.**

38           **5. Members of the authority shall receive no compensation for services, but shall**  
39 **be entitled to reimbursement for necessary expenses, including traveling and lodging**  
40 **expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid**  
41 **from funds of the authority.**

42           **6. One member of the authority, designated by the governor for the purpose, shall**  
43 **call and convene the initial organizational meeting of the authority and shall serve as its**  
44 **president pro tempore. At the initial meeting and annually thereafter, the authority shall**  
45 **elect one of its members as president. The authority may appoint an executive director**  
46 **who shall not be a member of the authority and who shall serve at its pleasure. If an**  
47 **executive director is appointed, he or she shall receive such compensation as shall be fixed**  
48 **from time to time by action of the authority. The authority shall appoint a member as**  
49 **secretary who shall keep a record of the proceedings of the authority and shall be the**  
50 **custodian of all books, documents, and papers filed with the authority, the minute books**  
51 **or journal thereof, and its official seal. The secretary may cause copies to be made of all**  
52 **minutes and other records and documents of the authority and may give certificates under**  
53 **the official seal of the authority to the effect that the copies are true and correct copies, and**  
54 **all persons dealing with the authority may rely on such certificates. The authority, by**  
55 **resolution duly adopted, shall fix the powers and duties of its executive director as it may,**  
56 **from time to time, deem proper and necessary.**

57           **7. Meetings, records, and operations of the authority shall be subject to the**  
58 **provisions of chapter 610.**

59           **8. The authority shall have the following powers, together with all powers**  
60 **incidental thereto or necessary for the performance thereof to:**

- 61           **(1) Have perpetual succession as a body politic and corporate;**
- 62           **(2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**
- 63           **(3) Sue and be sued and prosecute and defend, at law or in equity, in any court**  
64 **having jurisdiction of the subject matter and of the parties;**
- 65           **(4) Establish and use a corporate seal and alter the same at pleasure;**

66 (5) Maintain an office at such place or places in the state of Missouri as it may  
67 designate;

68 (6) Employ an executive director and other staff as needed, with compensation  
69 fixed by the authority;

70 (7) Coordinate student transfers located in its jurisdiction, as provided by law; and

71 (8) Coordinate and collaborate with local districts, approved charter schools, and  
72 local governments for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the "St. Louis Area  
2 Education Authority Fund". The fund shall consist of any appropriations, gifts, bequests,  
3 or public or private donations to such fund. Any moneys in the fund shall be used to fund  
4 the operations of the education authority. The state treasurer shall be custodian of the  
5 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve  
6 disbursements of public moneys in accordance with distribution requirements and  
7 procedures developed by the department of elementary and secondary education and shall  
8 make disbursement of private funds according to the directions of the donor. If the donor  
9 did not specify how the private funds were to be disbursed, the state treasurer shall contact  
10 the donor to determine the manner of disbursement. The fund shall be a dedicated fund  
11 and, upon appropriation, moneys in the fund shall be used solely for the administration of  
12 sections 167.830 and 167.833.

13 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
14 remaining in the fund at the end of the biennium shall not revert to the credit of the  
15 general revenue fund.

16 3. The state treasurer shall invest moneys in the fund in the same manner as other  
17 funds are invested. Any interest and moneys earned on such investments shall be credited  
18 to the fund.

167.836. 1. There is hereby established the "Kansas City Area Education  
2 Authority". The authority is hereby constituted a public instrumentality and body politic  
3 and corporate, and the exercise by the authority of the powers conferred by this section  
4 shall be deemed and held to be the performance of an essential public function. Unless  
5 otherwise provided, the authority shall be subject to all general laws pertaining to the  
6 operation of seven-director districts as defined in section 160.011.

7 2. If any district located in any county with a charter form of government and with  
8 more than six hundred thousand but fewer than seven hundred thousand inhabitants or  
9 in an adjoining county operates at least one unaccredited school, the authority shall  
10 coordinate student transfers from unaccredited schools to schools in accredited districts  
11 as set forth in section 167.826 and, if applicable, to approved charter schools.

12           **3. The authority shall consist of five members appointed by the governor, by and**  
13 **with the advice and consent of the senate, each of whom shall be a resident of the state.**  
14 **Three members shall be residents of an urban school district containing most or all of a**  
15 **home rule city with more than four hundred thousand inhabitants and located in more**  
16 **than one county. One member shall be a resident of a school district located in a county**  
17 **with a charter form of government and with more than six hundred thousand but fewer**  
18 **than seven hundred thousand inhabitants but such member shall be a resident of a school**  
19 **district other than an urban school district containing most or all of a home rule city with**  
20 **more than four hundred thousand inhabitants and located in more than one county. One**  
21 **member shall be a resident of a school district located in a county adjoining to a county**  
22 **with a charter form of government and with more than six hundred thousand but fewer**  
23 **than seven hundred thousand inhabitants. The members shall reflect the population**  
24 **characteristics of the districts they represent. Not more than three of the five members of**  
25 **the authority shall be of the same political party. The length of term for members shall be**  
26 **six years except for the initial members, who shall be appointed in the following manner:**

- 27           **(1) One member shall be appointed for a term of two years;**  
28           **(2) One member shall be appointed for a term of three years;**  
29           **(3) One member shall be appointed for a term of four years;**  
30           **(4) One member shall be appointed for a term of five years; and**  
31           **(5) One member shall be appointed for a term of six years.**

32           **4. The term length of each initial appointee shall be designated by the governor at**  
33 **the time of making the appointment. Upon the expiration of the initial terms of office,**  
34 **successor members shall be appointed for terms of six years and shall serve until their**  
35 **successors have been appointed and have qualified. Any member shall be eligible for**  
36 **reappointment. The governor shall fill any vacancy for the remainder of any unexpired**  
37 **term within thirty days of notification of the vacancy. Any member of the authority may**  
38 **be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other**  
39 **cause after notice and a public hearing unless the notice or hearing shall be expressly**  
40 **waived in writing.**

41           **5. Members of the authority shall receive no compensation for services, but shall**  
42 **be entitled to reimbursement for necessary expenses, including traveling and lodging**  
43 **expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid**  
44 **from funds of the authority.**

45           **6. One member of the authority, designated by the governor for the purpose, shall**  
46 **call and convene the initial organizational meeting of the authority and shall serve as its**  
47 **president pro tempore. At the initial meeting and annually thereafter, the authority shall**  
48 **elect one of its members as president. The authority may appoint an executive director**

49 who shall not be a member of the authority and who shall serve at its pleasure. If an  
50 executive director is appointed, he or she shall receive such compensation as shall be fixed  
51 from time to time by action of the authority. The authority shall appoint a member as  
52 secretary who shall keep a record of the proceedings of the authority and shall be the  
53 custodian of all books, documents, and papers filed with the authority, the minute books  
54 or journal thereof, and its official seal. The secretary may cause copies to be made of all  
55 minutes and other records and documents of the authority and may give certificates under  
56 the official seal of the authority to the effect that the copies are true and correct copies, and  
57 all persons dealing with the authority may rely on such certificates. The authority, by  
58 resolution duly adopted, shall fix the powers and duties of its executive director as it may,  
59 from time to time, deem proper and necessary.

60 7. Meetings, records, and operations of the authority shall be subject to the  
61 provisions of chapter 610.

62 8. The authority shall have the following powers, together with all powers  
63 incidental thereto or necessary for the performance thereof to:

64 (1) Have perpetual succession as a body politic and corporate;

65 (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;

66 (3) Sue and be sued and prosecute and defend, at law or in equity, in any court  
67 having jurisdiction of the subject matter and of the parties;

68 (4) Establish and use a corporate seal and alter the same at pleasure;

69 (5) Maintain an office at such place or places in the state of Missouri as it may  
70 designate;

71 (6) Employ an executive director and other staff as needed, with compensation  
72 fixed by the authority;

73 (7) Coordinate student transfers located in its jurisdiction, as provided by law; and

74 (8) Coordinate and collaborate with local districts, approved charter schools, and  
75 local governments for the transfer of students, as provided by law.

167.839. 1. There is hereby created in the state treasury the "Kansas City Area  
2 Education Authority Fund". The fund shall consist of any appropriations, gifts, bequests,  
3 or public or private donations to such fund. Any moneys in the fund shall be used to fund  
4 the operations of the education authority. The state treasurer shall be custodian of the  
5 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve  
6 disbursements of public moneys in accordance with distribution requirements and  
7 procedures developed by the department of elementary and secondary education and shall  
8 make disbursement of private funds according to the directions of the donor. If the donor  
9 did not specify how the private funds were to be disbursed, the state treasurer shall contact  
10 the donor to determine the manner of disbursement. The fund shall be a dedicated fund

11 and, upon appropriation, moneys in the fund shall be used solely for the administration of  
12 sections 167.836 and 167.839.

13       2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
14 remaining in the fund at the end of the biennium shall not revert to the credit of the  
15 general revenue fund.

16       3. The state treasurer shall invest moneys in the fund in the same manner as other  
17 funds are invested. Any interest and moneys earned on such investments shall be credited  
18 to the fund.

167.842. 1. There is hereby established the "Statewide Education Authority". The  
2 authority is hereby constituted a public instrumentality and body politic and corporate,  
3 and the exercise by the authority of the powers conferred by this section shall be deemed  
4 and held to be the performance of an essential public function. Unless otherwise provided,  
5 the authority shall be subject to all general laws pertaining to the operation of seven-  
6 director districts as defined in section 160.011. The jurisdiction of the statewide education  
7 authority shall be all counties except for:

8       (1) Any city not within a county;

9       (2) Any county with a charter form of government and with more than six hundred  
10 thousand but fewer than seven hundred thousand inhabitants and adjoining counties; and

11       (3) Any county with a charter form of government and with more than nine  
12 hundred fifty thousand inhabitants and adjoining counties.

13       2. If any district located in the statewide education authority's jurisdiction operates  
14 at least one unaccredited school, the authority shall coordinate student transfers from  
15 unaccredited schools to schools in accredited districts as set forth in section 167.826 and,  
16 if applicable, to approved charter schools.

17       3. The authority shall consist of five members to be appointed by the governor, by  
18 and with the advice and consent of the senate, each of whom shall be a resident of the state.  
19 The members shall reflect the population characteristics of the districts they represent.  
20 Not more than three of the five members of the authority shall be of the same political  
21 party. The governor shall not appoint members to the authority until the state board of  
22 education gives notice that a district in the authority's jurisdiction has been classified as  
23 unaccredited. The length of term for members shall be six years except for the initial  
24 members, who shall be appointed in the following manner:

25       (1) One member shall be appointed for a term of two years;

26       (2) One member shall be appointed for a term of three years;

27       (3) One member shall be appointed for a term of four years;

28       (4) One member shall be appointed for a term of five years; and

29       (5) One member shall be appointed for a term of six years.

30           **4. The term length of each initial appointee shall be designated by the governor at**  
31 **the time of making the appointment. Upon the expiration of the initial terms of office,**  
32 **successor members shall be appointed for terms of six years and shall serve until their**  
33 **successors have been appointed and have qualified. Any member shall be eligible for**  
34 **reappointment. The governor shall fill any vacancy for the remainder of any unexpired**  
35 **term within thirty days of notification of the vacancy. Any member of the authority may**  
36 **be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other**  
37 **cause after notice and a public hearing unless the notice or hearing shall be expressly**  
38 **waived in writing.**

39           **5. Members of the authority shall receive no compensation for services, but shall**  
40 **be entitled to reimbursement for necessary expenses, including traveling and lodging**  
41 **expenses, incurred in the discharge of their duties. Any payment for expenses shall be paid**  
42 **from funds of the authority.**

43           **6. One member of the authority, designated by the governor for the purpose, shall**  
44 **call and convene the initial organizational meeting of the authority and shall serve as its**  
45 **president pro tempore. At the initial meeting and annually thereafter, the authority shall**  
46 **elect one of its members as president. The authority may appoint an executive director**  
47 **who shall not be a member of the authority and who shall serve at its pleasure. If an**  
48 **executive director is appointed, he or she shall receive such compensation as shall be fixed**  
49 **from time to time by action of the authority. The authority shall appoint a member as**  
50 **secretary who shall keep a record of the proceedings of the authority and shall be the**  
51 **custodian of all books, documents, and papers filed with the authority, the minute books**  
52 **or journal thereof, and its official seal. The secretary may cause copies to be made of all**  
53 **minutes and other records and documents of the authority and may give certificates under**  
54 **the official seal of the authority to the effect that the copies are true and correct copies, and**  
55 **all persons dealing with the authority may rely on such certificates. The authority, by**  
56 **resolution duly adopted, shall fix the powers and duties of its executive director as it may,**  
57 **from time to time, deem proper and necessary.**

58           **7. Meetings, records, and operations of the authority shall be subject to the**  
59 **provisions of chapter 610.**

60           **8. The authority shall have the following powers, together with all powers**  
61 **incidental thereto or necessary for the performance thereof to:**

- 62           **(1) Have perpetual succession as a body politic and corporate;**  
63           **(2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**  
64           **(3) Sue and be sued and prosecute and defend, at law or in equity, in any court**  
65 **having jurisdiction of the subject matter and of the parties;**  
66           **(4) Establish and use a corporate seal and alter the same at pleasure;**

67           **(5) Maintain an office at such place or places in the state of Missouri as it may**  
68 **designate;**

69           **(6) Employ an executive director and other staff as needed, with compensation**  
70 **fixed by the authority;**

71           **(7) Coordinate student transfers located in its jurisdiction, as provided by law; and**

72           **(8) Coordinate and collaborate with local districts, approved charter schools, and**  
73 **local governments for the transfer of students, as provided by law.**

**167.845. 1. There is hereby created in the state treasury the "Statewide Education**  
2 **Authority Fund". The fund shall consist of any appropriations, gifts, bequests, or public**  
3 **or private donations to such fund. Any moneys in the fund shall be used to fund the**  
4 **operations of the education authority. The state treasurer shall be custodian of the fund.**  
5 **In accordance with sections 30.170 and 30.180, the state treasurer may approve**  
6 **disbursements of public moneys in accordance with distribution requirements and**  
7 **procedures developed by the department of elementary and secondary education and shall**  
8 **make disbursement of private funds according to the directions of the donor. If the donor**  
9 **did not specify how the private funds were to be disbursed, the state treasurer shall contact**  
10 **the donor to determine the manner of disbursement. The fund shall be a dedicated fund**  
11 **and, upon appropriation, moneys in the fund shall be used solely for the administration of**  
12 **sections 167.842 and 167.845.**

13           **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
14 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
15 **general revenue fund.**

16           **3. The state treasurer shall invest moneys in the fund in the same manner as other**  
17 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
18 **to the fund.**

**167.848. For purposes of sections 161.084, 161.087, 161.238, 162.1250, 162.1305,**  
2 **162.1310, 162.1313, 167.642, 167.685, 167.688, and 167.825 to 167.848, the following terms**  
3 **mean:**

4           **(1) "Accredited district", a school district that is classified as accredited or**  
5 **accredited with distinction by the state board of education pursuant to the authority of the**  
6 **state board of education to classify schools as established in sections 161.087 and 161.092;**

7           **(2) "Accredited school", an attendance center that is classified as accredited or**  
8 **accredited with distinction by the state board of education pursuant to the authority of the**  
9 **state board of education to classify schools as established in sections 161.087, 161.092, and**  
10 **161.238;**

11           **(3) "Approved charter school", a charter school that has existed for less than three**  
12 **years or a charter school with a three-year average score of seventy percent or higher on**  
13 **its annual performance report;**

14           **(4) "Attendance center", a public school building or buildings or part of a school**  
15 **building that constitutes one unit for accountability purposes under the Missouri school**  
16 **improvement program;**

17           **(5) "Borderline district", a school district that has a current annual performance**  
18 **report score between seventy-five and seventy with the last two consecutive years showing**  
19 **a decline in the score, with a district third-grade or eighth-grade statewide reading**  
20 **assessment that shows that fifty percent or more of the students are at a level less than**  
21 **proficient, and a transient student ratio in the top quartile of districts;**

22           **(6) "Education authority" or "authority", an education authority established**  
23 **under sections 167.830 to 167.845;**

24           **(7) "Provisionally accredited district", a school district that is classified as**  
25 **provisionally accredited by the state board of education pursuant to the authority of the**  
26 **state board of education to classify schools as established in sections 161.087 and 161.092;**

27           **(8) "Provisionally accredited school", an attendance center that is classified as**  
28 **provisionally accredited by the state board of education pursuant to the authority of the**  
29 **state board of education to classify schools as established in sections 161.087, 161.092, and**  
30 **161.238;**

31           **(9) "Unaccredited district", a school district classified as unaccredited by the state**  
32 **board of education pursuant to the authority of the state board of education to classify**  
33 **schools as established in sections 161.087 and 161.092;**

34           **(10) "Unaccredited school", an attendance center that is classified as unaccredited**  
35 **by the state board of education pursuant to the authority of the state board of education**  
36 **to classify schools as established in sections 161.087, 161.092, and 161.238;**

37           **(11) "Underperforming", a school district or an attendance center that has been**  
38 **classified as unaccredited or provisionally accredited pursuant to the authority of the state**  
39 **board of education to classify schools or has a three-year average annual performance**  
40 **report score consistent with a classification of provisionally accredited or unaccredited.**

**167.890. 1. The department of elementary and secondary education shall compile**  
2 **and maintain student performance data scores of all transfer students enrolled in districts**  
3 **other than their resident districts as provided in sections 167.825 and 167.826 and make**  
4 **such data available on the Missouri comprehensive data system. No personally identifiable**  
5 **data shall be accessible on the database.**

6           **2. The department of elementary and secondary education may promulgate all**  
7 **necessary rules and regulations for the administration of this section. Any rule or portion**



8 of a rule, as that term is defined in section 536.010, that is created under the authority  
9 delegated in this section shall become effective only if it complies with and is subject to all  
10 of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
11 chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
12 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
13 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
14 any rule proposed or adopted after the effective date of this section shall be invalid and  
15 void.

170.215. 1. Any school district may enter into a contract with a public library to  
2 provide online tutoring services through a third-party vendor or a nonprofit organization  
3 for the district's students. Any tutoring services shall be conducted through any  
4 compatible computer to participating students who have a library card, both within and  
5 without the public library facility.

6 2. Online tutoring services may include, but shall not be limited to, providing  
7 participating students with a library card the following:

- 8 (1) Assistance with homework;
- 9 (2) Collaboration and study tools in math, science, social sciences, English, language  
10 arts, and computer literacy;
- 11 (3) Access to comprehensive writing assistance productivity software; and
- 12 (4) Test preparation tools.

13 3. Any contract may allow participating students with a library card dedicated  
14 access to assistance during specified hours of the day and specified days of the week. A  
15 contract may also allow students to submit questions to tutors or join online study groups.

16 4. Online tutoring services shall be designed and implemented in such a manner as  
17 to:

- 18 (1) Protect individual student privacy;
- 19 (2) Prohibit voice communication between the parties; and
- 20 (3) Prohibit face-to-face visual communication.

21 5. No employee of any third-party vendor or nonprofit organization with which a  
22 public library has contracted for online tutoring services shall solicit personally identifiable  
23 information from any participating student including, but not limited to, home address,  
24 telephone number, and email address.

25 6. Any entity that offers online tutoring services under this section shall maintain  
26 an archive of all communications between students and tutors for two years.

27 7. School districts may use available funds or seek grants from private foundations  
28 to cover the costs of online tutoring services.

- 170.320. 1. There is hereby created in the state treasury the "Parent Portal Fund".**
- 2 The fund shall consist of any gifts, bequests, or public or private donations to such fund.**
- 3 Any moneys in the fund shall be used to assist districts in establishing and maintaining a**
- 4 parent portal. School districts may establish a parent portal that shall be accessible by**
- 5 mobile technology for parents to have access to educational information and access to**
- 6 student data. Any person or entity that makes a gift, bequest, or donation to the fund may**
- 7 specify the district that shall be the recipient of such gift, bequest, or donation.**
- 8 2. The state treasurer shall be custodian of the fund. In accordance with sections**
- 9 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in**
- 10 accordance with distribution requirements and procedures developed by the department**
- 11 of elementary and secondary education and shall make disbursements of private funds**
- 12 according to the directions of the donor. If the donor did not specify how the private funds**
- 13 were to be disbursed, the state treasurer shall contact the donor to determine the manner**
- 14 of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in**
- 15 the fund shall be used solely for the administration of this section.**
- 16 3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
- 17 remaining in the fund at the end of the biennium shall not revert to the credit of the**
- 18 general revenue fund.**
- 19 4. The state treasurer shall invest moneys in the fund in the same manner as other**
- 20 funds are invested. Any interest and moneys earned on such investments shall be credited**
- 21 to the fund.**

171.031. 1. Each school board shall prepare annually a calendar for the school term,

2 specifying the opening date and providing a minimum term of at least one hundred seventy-four

3 days for schools with a five-day school week or one hundred forty-two days for schools with a

4 four-day school week, and one thousand forty-four hours of actual pupil attendance. In addition,

5 such calendar shall include six make-up days for possible loss of attendance due to inclement

6 weather as defined in subsection 1 of section 171.033.

7 2. Each local school district may set its opening date each year, which date shall be no

8 earlier than ten calendar days prior to the first Monday in September. No public school district

9 shall select an earlier start date unless the district follows the procedure set forth in subsection

10 3 of this section.

11 3. A district may set an opening date that is more than ten calendar days prior to the first

12 Monday in September only if the local school board first gives public notice of a public meeting

13 to discuss the proposal of opening school on a date more than ten days prior to the first Monday

14 in September, and the local school board holds said meeting and, at the same public meeting, a

15 majority of the board votes to allow an earlier opening date. If all of the previous conditions are

16 met, the district may set its opening date more than ten calendar days prior to the first Monday

17 in September. The condition provided in this subsection must be satisfied by the local school  
18 board each year that the board proposes an opening date more than ten days before the first  
19 Monday in September.

20 4. If any local district violates the provisions of this section, the department of  
21 elementary and secondary education shall withhold an amount equal to one quarter of the state  
22 funding the district generated under section 163.031 for each date the district was in violation  
23 of this section.

24 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts  
25 in which school is in session for twelve months of each calendar year.

26 6. The state board of education may grant an exemption from this section to a school  
27 district that demonstrates highly unusual and extenuating circumstances justifying exemption  
28 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state  
29 board of education shall be valid for one academic year only.

30 7. No school day for schools with a five-day school week shall be longer than seven  
31 hours except for:

32 (1) Vocational schools which may adopt an eight-hour day in a metropolitan school  
33 district and a school district in a first class county adjacent to a city not within a county, and any  
34 school that adopts a four-day school week in accordance with section 171.029; and

35 (2) **A school district that increases the length of the school day or the number of  
36 required hours by following the procedure established in subsection 8 of this section.**

37 **8. The school board of any district in this state that has been classified as  
38 unaccredited or provisionally accredited by the state board of education or that is  
39 accredited but has a three-year average annual performance report score consistent with  
40 a classification of unaccredited or provisionally accredited may increase the length of the  
41 school day upon adoption of a resolution by a majority vote to authorize such action. Such  
42 a school district may also increase the annual hours of instruction above the required  
43 number of hours in subsection 1 of this section by the adoption of a resolution by a  
44 majority vote to authorize such action.**

45 9. (1) There is hereby created in the state treasury the "Extended Learning Time  
46 Fund". The fund shall consist of any moneys that may be appropriated by the general  
47 assembly from general revenue to such fund, any moneys paid into the state treasury and  
48 required by law to be credited to such fund, and any gifts, bequests, or public or private  
49 donations to such fund.

50 (2) **The state treasurer shall be custodian of the fund. In accordance with sections  
51 30.170 and 30.180, the state treasurer may approve disbursements in accordance with  
52 distribution requirements and procedures developed by the department of elementary and**

53 **secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys**  
54 **in the fund shall be used solely for the administration of subsection 8 of this section.**

55 **(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
56 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
57 **general revenue fund.**

58 **(4) The state treasurer shall invest moneys in the fund in the same manner as other**  
59 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
60 **to the fund.**

**177.015. 1. Each district that owns a building that is not occupied shall, by March**  
2 **fifteenth annually, prepare a public document listing the status of each district-owned**  
3 **building that is not occupied. The document shall include the address of each building and**  
4 **the amount of money the district spends annually on the building including, but not limited**  
5 **to, a separate accounting for repairs, maintenance, utilities, and insurance. The document**  
6 **shall include an estimate of the fair market value of each building. The district shall post**  
7 **this information on its internet website and make the document available to each district**  
8 **taxpayer.**

9 **2. For purposes of this section, the term "occupied" means a district-owned**  
10 **building used for the education of children between the ages of four and twenty-one for at**  
11 **least three hours a day for a school term.**

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775 is  
2 established, the governing body of the city or county or city not within a county shall appoint a  
3 board of directors consisting of nine members, who shall be residents of the city or county or city  
4 not within a county. All board members shall be appointed to serve for a term of three years,  
5 except that of the first board appointed, three members shall be appointed for one-year terms,  
6 three members for two-year terms and three members for three-year terms. Board members may  
7 be reappointed. In a city not within a county, or any county of the first classification with a  
8 charter form of government with a population not less than nine hundred thousand inhabitants,  
9 or any county of the first classification with a charter form of government with a population not  
10 less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants,  
11 or any noncharter county of the first classification with a population not less than one hundred  
12 seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county  
13 of the first classification with a population not less than eighty thousand and not more than  
14 eighty-three thousand inhabitants, or any third classification county with a population not less  
15 than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the  
16 third classification with a population not less than nineteen thousand five hundred and not more  
17 than twenty thousand inhabitants the members of the community mental health board of trustees  
18 appointed pursuant to the provisions of sections 205.975 to 205.990 shall be the board members

19 for the community children's services fund. The directors shall not receive compensation for  
20 their services, but may be reimbursed for their actual and necessary expenses.

21         2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as  
22 it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety  
23 bond, in an amount to be determined and in a form to be approved by the board, for the faithful  
24 performance of his or her duties and faithful accounting of all moneys that may come into his  
25 or her hands. The treasurer shall enter into the surety bond with a surety company authorized  
26 to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The  
27 board shall administer and expend all funds generated pursuant to section 210.860 or section  
28 67.1775 in a manner consistent with this section.

29         3. The board may contract with public or not-for-profit agencies licensed or certified  
30 where appropriate to provide qualified services and may place conditions on the use of such  
31 funds. The board shall reserve the right to audit the expenditure of any and all funds. The board  
32 and any agency with which the board contracts may establish eligibility standards for the use of  
33 such funds and the receipt of services. No member of the board shall serve on the governing  
34 body, have any financial interest in, or be employed by any agency which is a recipient of funds  
35 generated pursuant to section 210.860 or section 67.1775.

36         4. Revenues collected and deposited in the community children's services fund may be  
37 expended for the purchase of the following services:

38             (1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or  
39 emotionally disturbed youth; respite care services; and services to unwed mothers;

40             (2) Outpatient chemical dependency and psychiatric treatment programs; counseling and  
41 related services as a part of transitional living programs; home-based and community-based  
42 family intervention programs; unmarried parent services; crisis intervention services, inclusive  
43 of telephone hotlines; and prevention programs which promote healthy lifestyles among children  
44 and youth and strengthen families;

45             (3) Individual, group, or family professional counseling and therapy services;  
46 psychological evaluations; and mental health screenings.

47         5. Revenues collected and deposited in the community children's services fund may not  
48 be expended for inpatient medical, psychiatric, and chemical dependency services, or for  
49 transportation services.

50         **6. (1) In fiscal years 2016 and 2017, in any county with a charter form of**  
51 **government and with more than nine hundred fifty thousand inhabitants that contains all**  
52 **or any portion of a school district that has been designated as unaccredited or provisionally**  
53 **accredited by the state board of education, up to five percent of the community children's**  
54 **services fund's yearly revenues, based on the total dollar amount needed to provide**  
55 **services as determined by a needs assessment, shall be devoted to a grant program that**

56 delivers services directly to schools in such districts according to the procedure in this  
57 subsection. The president of the school board shall notify the board of directors within five  
58 business days after such designation. The board shall, in its budget process for the  
59 following fiscal year, ensure that the total amount of funds needed to provide services  
60 based on the needs assessment is allocated according to this subsection, not to exceed five  
61 percent of the fund's yearly revenues. If the total amount of funds needed to provide such  
62 services exceeds five percent of the fund's yearly revenues, the funds shall be distributed  
63 in an order based on the greatest need for each district. Any moneys distributed from the  
64 fund to a district shall be subject to an annual audit.

65 (2) The board shall undertake a needs assessment for any such school district  
66 within ninety days after receipt of the notice under this subsection. The needs assessment  
67 shall be used as a basis for comprehensive mental health wraparound services delivery for  
68 which the board shall contract as provided under subsection 3 of this section.

69 (3) The board shall appoint one of its members to a direct school service  
70 coordinating committee, which is hereby created. The board may appoint an additional  
71 one of its members to serve as an ex officio member. The board shall appoint a social  
72 worker to the committee. The school board of each affected district shall appoint two  
73 parents with a child enrolled in a public school in the district based on school district  
74 identification numbers from the department of elementary and secondary education,  
75 rotating year to year from highest number to lowest number. The school board of each  
76 affected district shall appoint a school services staff member. The superintendent of each  
77 affected district shall serve on the committee. An additional member from each affected  
78 district may be appointed to serve as an ex officio member.

79 (4) The direct school service coordinating committee shall provide  
80 recommendations and oversight to the program of contracted services under this  
81 subsection.

82 (5) If an additional district becomes unaccredited or provisionally accredited in the  
83 service area of the children's services fund, the general assembly shall review the  
84 percentage of revenue dedicated to the grant program for a possible increase.

85 (6) The provisions of this subsection shall terminate on June 30, 2017.

633.420. 1. For the purposes of this section, the term "dyslexia" means a disorder  
2 that is neurological in origin, characterized by difficulties with accurate and fluent word  
3 recognition, and poor spelling and decoding abilities that typically result from a deficit in  
4 the phonological component of language, often unexpected in relation to other cognitive  
5 abilities and the provision of effective classroom instruction, and of which secondary  
6 consequences may include problems in reading comprehension and reduced reading  
7 experience that can impede growth of vocabulary and background knowledge. Nothing

8 in this section shall prohibit a district from assessing students for dyslexia and offering  
9 students specialized reading instruction if a determination is made that a student suffers  
10 from dyslexia. Unless required by federal law, nothing in this definition shall require a  
11 student with dyslexia to be automatically determined eligible as a student with a disability.

12 2. There is hereby created the "Legislative Task Force on Dyslexia". The joint  
13 committee on education shall provide technical and administrative support as required by  
14 the task force to fulfill its duties. The task force shall meet at least quarterly and may hold  
15 meetings by telephone or video conference. The task force shall advise and make  
16 recommendations to the governor, general assembly, and relevant state agencies regarding  
17 matters concerning individuals with dyslexia including education and other adult and  
18 adolescent services.

19 3. The task force shall be comprised of eighteen members consisting of the  
20 following:

21 (1) Four members of the general assembly, with two members from the senate to  
22 be appointed by the president pro tempore and two members from the house of  
23 representatives to be appointed by the speaker of the house of representatives;

24 (2) The commissioner of education, or his or her designee;

25 (3) One representative from an institution of higher education located in this state  
26 with specialized expertise in dyslexia and reading instruction;

27 (4) A representative from a state teachers association or the Missouri National  
28 Education Association;

29 (5) A representative from the International Dyslexia Association of Missouri;

30 (6) A representative from Decoding Dyslexia of Missouri;

31 (7) A representative from the Missouri Association of Elementary School  
32 Principals;

33 (8) A representative from the Missouri Council of Administrators of Special  
34 Education;

35 (9) A professional licensed in the state of Missouri with experience diagnosing  
36 dyslexia including, but not limited to, a licensed psychologist, school psychologist, or  
37 neuropsychologist;

38 (10) A speech-language pathologist with training and experience in early literacy  
39 development and effective research-based intervention techniques for dyslexia, including  
40 an Orton-Gillingham remediation program recommended by the Missouri Speech-  
41 Language Hearing Association, or a certified academic language therapist recommended  
42 by the Academic Language Therapists Association who is a resident of this state;

43 (11) A representative from an independent private provider or nonprofit  
44 organization serving individuals with dyslexia;

45           **(12) An assistive technology specialist with expertise in accessible print materials**  
46 **and assistive technology used by individuals with dyslexia recommended by the Missouri**  
47 **assistive technology council;**

48           **(13) One private citizen who has a child who has been diagnosed with dyslexia;**

49           **(14) One private citizen who has been diagnosed with dyslexia; and**

50           **(15) A representative of the Missouri State Council of the International Reading**  
51 **Association.**

52           **4. The members of the task force, other than the members from the general**  
53 **assembly and ex officio members, shall be appointed by the president pro tempore of the**  
54 **senate or the speaker of the house of representatives by September 1, 2015, by alternating**  
55 **appointments beginning with the president pro tempore of the senate. A chairperson shall**  
56 **be selected by the members of the task force. Any vacancy on the task force shall be filled**  
57 **in the same manner as the original appointment. Members shall serve on the task force**  
58 **without compensation.**

59           **5. The task force shall make recommendations for a statewide system for**  
60 **identification, intervention, and delivery of supports for students with dyslexia including**  
61 **the development of resource materials and professional development activities. These**  
62 **recommendations shall be included in a report to the governor and legislature and shall**  
63 **include findings and proposed legislation and shall be made available no longer than**  
64 **twelve months from the task force's first meeting.**

65           **6. The recommendations and resource materials developed by the task force shall:**

66           **(1) Identify valid and reliable screening and evaluation assessments and protocols**  
67 **that can be used and the appropriate personnel to administer such assessments in order**  
68 **to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing**  
69 **reading progress monitoring system, multi-tiered system of supports, and special education**  
70 **eligibility determinations in schools;**

71           **(2) Recommend an evidence-based reading instruction, with consideration of the**  
72 **National Reading Panel Report and Orton-Gillingham methodology principles for use in**  
73 **all Missouri schools, and intervention system, including a list of effective dyslexia**  
74 **intervention programs, to address dyslexia or characteristics of dyslexia for use by schools**  
75 **in multi-tiered systems of support and for services as appropriate for special education**  
76 **eligible students;**

77           **(3) Develop and implement preservice and inservice professional development**  
78 **activities to address dyslexia identification and intervention, including utilization of**  
79 **accessible print materials and assistive technology, within degree programs such as**  
80 **education, reading, special education, speech-language pathology, and psychology;**



81           **(4) Review teacher certification and professional development requirements as they**  
82 **relate to the needs of students with dyslexia;**

83           **(5) Examine the barriers to accurate information on the prevalence of students with**  
84 **dyslexia across the state and recommend a process for accurate reporting of demographic**  
85 **data; and**

86           **(6) Study and evaluate current practices for diagnosing, treating, and educating**  
87 **children in this state and examine how current laws and regulations affect students with**  
88 **dyslexia in order to present recommendations to the governor and general assembly.**

89           **7. The task force shall hire or contract for hire specialist services to support the**  
90 **work of the task force as necessary with appropriations made by the general assembly for**  
91 **that purpose or from other available funding.**

92           **8. The task force authorized under this section shall automatically sunset on August**  
93 **31, 2017, unless reauthorized by an act of the general assembly.**

**Section 1. 1. By September 1, 2015, each metropolitan school district at any time**  
2 **it is underperforming, each urban school district containing most or all of a home rule city**  
3 **with more than four hundred thousand inhabitants and located in more than one county**  
4 **at any time it is underperforming, and each district located in any county with a charter**  
5 **form of government and with more than nine hundred fifty thousand inhabitants at any**  
6 **time it is underperforming shall identify any district-owned buildings that are vacant and**  
7 **unused for classroom instruction. Each district shall obtain an outside appraisal of each**  
8 **such building.**

9           **2. Between September 1, 2015, and October 1, 2015, each district shall publicly list**  
10 **any such building for sale with no restrictions in the deed prohibiting such building from**  
11 **being used for education purposes.**

12           **3. Between October 1, 2015, and March 1, 2016, each district shall provide multiple**  
13 **opportunities for potential purchasers to tour the buildings. At such time, each potential**  
14 **purchaser may develop its own cost estimates, at the expense of the potential purchaser,**  
15 **for a building to be refurbished and brought into compliance with any required health,**  
16 **safety, or occupancy code. Each district shall provide public notice of the opportunities**  
17 **for potential purchasers to tour the buildings.**

18           **4. By March 1, 2016, the district shall place any such buildings that have not been**  
19 **sold into the level one pool. However, the district may designate up to thirty percent of**  
20 **such buildings as franchise buildings. For any franchise building, the district shall develop**  
21 **a plan to return the building to use within three school years.**

22           **5. By May 1, 2016, the district shall place any buildings not sold through the level**  
23 **one pool into the level two pool.**

24           **6. By July 1, 2016, the district shall place any buildings not sold through the level**  
25 **two pool into the level three pool. For any building sold through the level three pool, the**  
26 **district shall retain a reversionary interest in the building. If the purchaser is a charter**  
27 **school, the building shall revert to the district if the charter school ceases operation, subject**  
28 **to any deeds of trust that secure any financing of improvements to the property. If the**  
29 **purchaser is an entity other than a charter school, the building shall revert to the district**  
30 **after two years if the purchaser does not begin renovation, refurbishment, or a**  
31 **repurposing of the building during that time.**

32           **7. For purposes of this section, the following terms mean:**

33           **(1) "Certified public bidder", any public library, local community center, charter**  
34 **school, or political subdivision that has created and submitted to the school board a land**  
35 **use plan for a building described in subsection 1 of this section;**

36           **(2) "Level one pool", the time at which a district makes buildings available for sale**  
37 **at auction with a minimum starting price at fifty percent of the appraised value. Bidding**  
38 **is limited to certified public bidders only;**

39           **(3) "Level two pool", the time at which a district makes buildings available for sale**  
40 **at auction with a minimum starting price at twenty-five percent of the appraised value.**  
41 **Bidding is available to any public or private entity;**

42           **(4) "Level three pool", the time at which a district makes buildings available for**  
43 **sale for a nominal fee;**

44           **(5) "Underperforming", a school district that has been classified as unaccredited**  
45 **or provisionally accredited by the state board of education or has a three-year average**  
46 **annual performance report score consistent with a state board of education classification**  
47 **of provisionally accredited or unaccredited.**

48           **8. Any building that has remained in the level three pool for longer than six months**  
49 **may be demolished using funds from the reclamation and demolition fund. Subject to**  
50 **appropriations, a school district may receive an amount equal to twenty-five percent of the**  
51 **appraised value of the building to be demolished from the reclamation and demolition**  
52 **fund. There is hereby created in the state treasury the "The Reclamation and Demolition**  
53 **Fund", which shall consist of any moneys that the general assembly may appropriate to**  
54 **the fund. The state treasurer shall be custodian of the fund. In accordance with sections**  
55 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**  
56 **dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the**  
57 **office of administration for the purposes of carrying out the provisions of this section.**  
58 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**  
59 **in the fund at the end of the biennium shall not revert to the credit of the general revenue**  
60 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**

61 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
62 **to the fund.**

63 **9. If any provision of this section, or the application thereof to anyone or to any**  
64 **circumstances is held invalid, the remainder of this section or this act and application of**  
65 **such provisions to others or other circumstances shall not be affected thereby.**

**Section 2. If any provision of this act, or the application thereof to anyone or to any**  
2 **circumstances is held invalid, the remainder of the provisions of this act and the**  
3 **application of such provisions to others or other circumstances shall not be affected**  
4 **thereby.**

Section B. Because of the importance of improving and sustaining Missouri's elementary  
2 and secondary education system and establishing standards for student transfers to school  
3 districts, section A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
6 passage and approval.

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\_\_\_\_\_  
Speaker of the House

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President Pro Tem of the Senate

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Governor