

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 42**  
**98TH GENERAL ASSEMBLY**

0046L.07C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 160.011, 162.081, 162.1250, 163.036, 167.121, 167.131, 167.241, and 177.031, RSMo, and to enact in lieu thereof twenty-five new sections relating to school accreditation, 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Section A. Sections 160.011, 162.081, 162.1250, 163.036, 167.121, 167.131, 167.241, 2 and 177.031, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be 3 known as sections 160.011, 161.087, 161.238, 162.081, 162.1250, 162.1305, 162.1310, 4 162.1312, 163.036, 167.121, 167.131, 167.132, 167.241, 167.730, 167.826, 167.827, 167.830, 5 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 167.890, and 177.031, to read as 6 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:

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

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.

- 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.

**161.087. 1. When the state board of education assigns classification designations  
2 to school districts and attendance centers pursuant to its authority to classify the public  
3 schools of the state in section 161.092, the state board shall use only the following  
4 classification designations based on the standards adopted by the state board:**

5 (1) Unaccredited;

6 (2) Provisionally accredited;

7 (3) Accredited; and

8 (4) Accredited with distinction.

9 **2. The state board of education shall develop and implement a process to provide  
10 assistance teams to borderline districts as determined by the department of elementary and  
11 secondary education and to underperforming districts upon assignment of a classification  
12 designation of unaccredited or provisionally accredited or determination made by the state  
13 board of education. The composition and size of the team may vary, based on academic,  
14 demographic, and financial circumstances of the district, but in no case will the team have  
15 fewer than ten members, two of whom shall be active classroom teachers in the district, two  
16 of whom shall be principals, and one of whom shall be a parent of a student in the district.  
17 The department staff member assigned to the region in which the district is located may  
18 be included in the assistance team's activities but shall not be formally assigned to the  
19 team. The team shall provide both analysis of, at a minimum, the assessment data,  
20 classroom practices, and communication processes within buildings, within the district,  
21 and with the larger community, and prescriptions for improvement based on the district's  
22 and community's needs. Separate teams may be used to provide analysis and  
23 recommendations at the discretion of the state board. Beginning with school year 2015-16,  
24 the team shall provide its recommendations no later than June 30, 2016, for  
25 underperforming districts and borderline districts. The state board shall prioritize the  
26 assignment of teams so that the districts with the lower annual performance report scores  
27 are addressed first. The assistance team's suggestions for improvement shall be mandatory  
28 for underperforming districts but shall not be mandatory for borderline districts. If an  
29 underperforming district disagrees with any suggestion of the assistance team, the district  
30 shall propose a different method of accomplishing what the assistance team has suggested,  
31 and the state board of education shall be the final arbiter of the matter.**

**161.238. 1. As authorized under its duty to classify the schools of the state under  
2 section 161.092, the state board of education shall adopt a system of classification that**

3 **accredits attendance centers within a district separately from the district as a whole using**  
4 **the classification designations provided in section 161.087.**

5 **2. The state board of education may consider the classification designation of an**  
6 **attendance center in its accreditation classification system to exempt attendance centers,**  
7 **as that term is defined in section 167.848, with classification numbers outside the range of**  
8 **numbers assigned to high schools, middle schools, junior high schools, or elementary**  
9 **schools. Public separate special education schools within a special school district are**  
10 **exempted from the accreditation requirements of this section. While not applicable for the**  
11 **purpose of accreditation, a special school district shall continue to report all scores on its**  
12 **annual performance report to the department of elementary and secondary education for**  
13 **all of its schools. Juvenile detention centers within a special school district are also**  
14 **exempted from the accreditation standards of this section.**

15 **3. Any attendance center that does not offer classes above the second grade level**  
16 **shall be exempt from the attendance center accreditation requirements of this section and**  
17 **from any requirements relating to statewide assessments.**

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

22 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
23 **created under the authority delegated in this section shall become effective only if it**  
24 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
25 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
26 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
27 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
28 **grant of rulemaking authority and any rule proposed or adopted after the effective date**  
29 **of this section shall be invalid and void.**

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 **or 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 or any other form of governance appointed under this section**, its members or  
96 employees. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting  
97 boards of education, their members and their employees shall be available to the special  
98 administrative board, **or any other form of governance appointed under this section**, its  
99 members and employees.

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

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

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

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

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

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

118           **10. The provisions of subsection 9 of this section shall not apply to any district**  
119 **solely on the basis of financial difficulty resulting from paying tuition and providing**  
120 **transportation for transfer students under sections 167.826 to 167.828.**

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. School districts that are unaccredited shall be responsible for notifying students**  
74 **and parents or guardians of the school district funded virtual school option. The decision**  
75 **to enroll in virtual school coursework shall be solely at the discretion of the student and his**  
76 **or her parent or guardian. The availability of the virtual school program in an**  
77 **unaccredited school district shall not be used by such school district to prevent a student**  
78 **from transferring to an adjoining district.**

**162.1305. 1. For purposes of this section, "transient student" means any student**  
2 **who transfers from one school building to any other school building two or more times in**  
3 **one school year.**

4           **2. In the first year of attendance in a district, a transient student's score on a**  
5 **statewide assessment shall not be included when calculating the status or progress scores**  
6 **on the district's annual performance report scores. The statewide assessment scores for**  
7 **any transient student in the first year of attendance in a district shall be counted for**  
8 **growth scores from the previous year's assessment for the purpose of the district's annual**  
9 **performance report score and to serve as the baseline for growth in the next year's**  
10 **assessment.**

11           **3. In the second year of attendance, a transient student's score on a statewide**  
12 **assessment shall be weighted at fifty percent when calculating the district's performance**  
13 **for purposes of the district's annual performance report status or progress score, with**  
14 **growth counting for fifty percent.**

15           **4. In the third year of attendance and in any subsequent year of attendance, a**  
16 **transient student's status, progress, and growth score shall be weighted at one hundred**  
17 **percent when calculating the district's performance for purposes of the district's annual**  
18 **performance report score.**

**162.1310. When the state board of education classifies any district or attendance**  
2 **center as unaccredited, the district shall notify the parent or guardian of any student**  
3 **enrolled in the unaccredited district or unaccredited attendance center of the loss of**  
4 **accreditation within seven business days. The district's notice shall include an explanation**  
5 **of which students may be eligible to transfer, the transfer process under sections 167.826**  
6 **to 167.828, and any services students may be entitled to receive. The district's notice shall**

7 **be written in a clear, concise, and easy to understand manner. The district shall post the**  
8 **notice in a conspicuous and accessible place in each district attendance center. The district**  
9 **shall also send the notice to each political subdivision located within the boundaries of the**  
10 **district.**

**162.1312. The school board of any district that operates an underperforming school**  
2 **shall adopt a policy regarding the availability of home visits by school personnel. Pursuant**  
3 **to such policy, the school may offer to the parent or guardian of a student enrolled in any**  
4 **such school the opportunity to have at least one annual home visit and shall offer an**  
5 **opportunity for a meeting at the attendance center or a mutually agreeable site.**

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 **only be permitted to use an estimate of the district's weighted average daily attendance for**  
66 **the current year and shall not be permitted to use a weighted average daily attendance**  
67 **count from any preceding year for purposes of determining the amount of state aid to**  
68 **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 designee may assign the  
4 pupil to another district. Subject to the provisions of this section, all existing assignments shall  
5 be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or  
6 rescinded. The board of education of the district in which the pupil lives shall pay the tuition of  
7 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 district that has scored either  
10 unaccredited or provisionally accredited, or a combination thereof [, on two consecutive annual  
11 performance reports] may enroll the parent's or guardian's child in the Missouri virtual school  
12 created in section 161.670, **or a virtual school that meets the requirements of section**  
13 **162.1250**, provided the pupil first enrolls in the school district of residence. The school district  
14 of residence shall include the pupil's enrollment in the virtual school created in section 161.670  
15 in determining the district's average daily attendance. Full-time enrollment in the virtual school  
16 shall constitute one average daily attendance equivalent in the school district of residence.  
17 Average daily attendance for part-time enrollment in the virtual school shall be calculated as a  
18 percentage of the total number of virtual courses enrolled in divided by the number of courses  
19 required for full-time attendance in the school district of residence.

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

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

28           (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
29 under the authority delegated in this section shall become effective only if it complies with and  
30 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section

31 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
32 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
33 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
34 proposed or adopted after August 28, 2007, shall be invalid and void.

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

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

167.132. 1. **Notwithstanding the provisions of section 167.131, a school district or**  
2 **approved charter school as defined in section 167.848 receiving students due to the**  
3 **unaccredited status of a sending school district may negotiate with the sending district to**  
4 **accept a reduced tuition rate. If the receiving district or approved charter school elects to**  
5 **accept tuition as calculated under subsection 2 of this section, such district or approved**  
6 **charter school shall receive students through the transfer authority based solely on the**  
7 **parent request and available seats.**

8 2. **In school year 2015-16 and subsequent years, when an accredited district and a**  
9 **receiving district or approved charter school have agreed upon a reduced tuition, tuition**  
10 **shall be calculated as follows:**

11 (1) **Multiply the full-time equivalent membership, as defined in section 163.011, of**  
12 **the transfer students to any receiving district or approved charter school by the amount**

13 of the state adequacy target used by the department of elementary and secondary  
14 education in calculating the current year formula apportionments under section 163.031;

15 (2) Multiply the amount derived in subdivision (1) of this subsection by the dollar  
16 value modifier of the receiving district or approved charter school used in calculating the  
17 current year formula apportionment;

18 (3) Multiply the amount derived in subdivision (2) of this subsection by the  
19 percentage formula adjustment, if any, used by the department in calculating the current  
20 year formula apportionment; and

21 (4) Add to the amount derived in subdivision (3) of this subsection the payment  
22 amount based on full-time equivalent membership used in the prior year for distribution  
23 of the funds from the school district trust fund under section 163.087 multiplied by the full-  
24 time equivalent membership of the transfer students attending the receiving district or  
25 approved charter school.

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

167.241. Transportation for pupils whose tuition the district of residence is required to  
2 pay by section 167.131 or section 167.826, or who are assigned as provided in section 167.121  
3 shall be provided by the district of residence; however, in the case of pupils covered by section  
4 167.131, the district of residence shall be required to provide transportation only to school  
5 districts accredited by the state board of education pursuant to the authority of the state board of  
6 education to classify schools as established in section 161.092 and those school districts  
7 designated by the board of education of the district of residence. **For pupils covered by section**  
8 **167.826, the district of residence shall be required to provide transportation only to school**  
9 **districts accredited by the state board of education pursuant to the authority of the state**  
10 **board of education to classify schools as established in sections 161.086 and 161.092 and**  
11 **those districts designated by the department of elementary and secondary education. For**  
12 **pupils covered by section 167.826, the department of elementary and secondary education**  
13 **shall designate at least one accredited district to which the district of residence shall**  
14 **provide transportation. If the designated district reaches full student capacity and is**  
15 **unable to receive additional students, the department of elementary and secondary**  
16 **education shall designate at least one additional accredited district to which the district of**  
17 **residence shall provide transportation.**

167.730. 1. Beginning July 1, 2016, every public school in the metropolitan school  
2 district or in any urban school district containing most or all of a home rule city with more  
3 than four hundred thousand inhabitants and located in more than one county, including  
4 charter schools, shall incorporate a response-to-intervention tiered approach to reading

5 **instruction to focus resources on students who are determined by their school to need**  
6 **additional or changed instruction to make progress as readers. At a minimum, the reading**  
7 **levels of students in kindergarten through tenth grade shall be assessed at the beginning**  
8 **and middle of the school year, and students who score below district benchmarks shall be**  
9 **provided with intensive, systematic reading instruction.**

10 **2. Beginning January 1, 2016, and every January first thereafter, every public**  
11 **school in the metropolitan school district or in any urban school district containing most**  
12 **or all of a home rule city with more than four hundred thousand inhabitants and located**  
13 **in more than one county, including charter schools, shall prepare a personalized learning**  
14 **plan for any kindergarten or first grade student whose most recent school-wide reading**  
15 **assessment result shows the student is working below grade level unless the student has**  
16 **been determined by other means in the current school year to be working at grade level or**  
17 **above. The provisions of this section shall not apply to students otherwise served under**  
18 **an individualized education program, to students receiving services through a plan**  
19 **prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element**  
20 **addressing reading below grade level, or to students determined to have limited English**  
21 **proficiency.**

22 **3. For any student in a metropolitan school district or in any urban school district**  
23 **containing most or all of a home rule city with more than four hundred thousand**  
24 **inhabitants and located in more than one county that is required by this section to have a**  
25 **personalized learning plan, the student's main teacher shall consult with the student's**  
26 **parent or guardian during the preparation of the plan and shall consult, as appropriate,**  
27 **any district personnel or department of elementary and secondary education personnel**  
28 **with necessary expertise to develop such a plan. The school shall require the written**  
29 **consent of the parent or guardian to implement the plan; however, if the school is**  
30 **unsuccessful in contacting the parent or guardian by January fifteenth, the school may**  
31 **send a letter by certified mail to the student's last known address stating its intention to**  
32 **implement the plan by February first.**

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

39 **5. Notwithstanding any provision of law to the contrary, any student in a**  
40 **metropolitan or in any urban school district containing most or all of a home rule city with**



41 more than four hundred thousand inhabitants and located in more than one county who  
42 is not reading at second-grade level by the end of second grade may be promoted to the  
43 third grade only under one of the following circumstances:

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

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

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

53 6. The metropolitan school district, any urban school district containing most or  
54 all of a home rule city with more than four hundred thousand inhabitants and located in  
55 more than one county, and each charter school located in them shall provide in its annual  
56 report card under section 160.522 the numbers and percentages by grade from first grade  
57 to tenth grade in each school of any students at any grade level who have been promoted  
58 who have been determined as reading below grade level, except that no reporting shall  
59 permit the identification of an individual student.

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

167.826. 1. Any student who is enrolled in and has attended for at least one  
2 semester an unaccredited school in an unaccredited district may transfer to another public  
3 school in the student's district of residence that offers the student's grade level of  
4 enrollment and that is accredited without provisions by the state board of education.  
5 However, no such transfer shall result in a class size and assigned enrollment in a receiving  
6 school that exceeds the standards for class size and assigned enrollment as promulgated  
7 in the Missouri school improvement program's resource standards. If the student chooses  
8 to attend a magnet school, an academically selective school, or a school with a competitive  
9 entrance process within his or her district of residence that has admissions requirements,  
10 the student shall meet such admissions requirements in order to attend. The school board  
11 of each unaccredited district shall determine the capacity at each of the district's schools  
12 that is assigned a classification designation of accredited or accredited with distinction.  
13 The district's school board shall be responsible for coordinating transfers from

14 unaccredited schools to accredited schools within the district. The school board of each  
15 unaccredited district shall annually report to the appropriate education authority the  
16 number of available slots in accredited schools within the district, the number of students  
17 who request to transfer within the district, and the number of such transfer requests that  
18 are granted. Enrollment in a virtual school provided by an unaccredited school district  
19 shall not affect the number of available slots.

20       **2. Any student who is enrolled in and has attended an unaccredited school in an**  
21 **unaccredited district for at least one semester who is unable to transfer to another**  
22 **accredited school within his or her district of residence under subsection 1 of this section**  
23 **may apply to the appropriate education authority by March first to transfer to an**  
24 **accredited school within an accredited district located in the same or an adjoining county.**  
25 **Such a student may also apply to enroll in an approved charter school, as defined in section**  
26 **167.848. A student who is eligible to begin kindergarten or first grade at an unaccredited**  
27 **school in an unaccredited district may apply to the appropriate education authority for a**  
28 **transfer if he or she resides in the attendance area of an unaccredited school in an**  
29 **unaccredited district on March first preceding the school year of first attendance. A**  
30 **student who does not apply by March first shall be required to enroll and attend for one**  
31 **semester to become eligible. If the student chooses to apply to attend a magnet school, an**  
32 **academically selective school, or a school with a competitive entrance process that has**  
33 **admissions requirements, the student shall furnish proof that he or she meets such**  
34 **admissions requirements. Any student who does not maintain residency in the attendance**  
35 **zone of his or her unaccredited school in the unaccredited district of residence shall lose**  
36 **eligibility to transfer. Any student who transfers but later withdraws shall lose eligibility**  
37 **to transfer. The transfer provisions of this subsection shall not apply to a district created**  
38 **under sections 162.815 to 162.840 or to any early childhood programs or early childhood**  
39 **special education programs.**

40       **3. No provisionally accredited district or provisionally accredited school shall be**  
41 **eligible to receive transfer students; however, a transfer student who chooses to attend a**  
42 **provisionally accredited school in the unaccredited district shall be allowed to transfer to**  
43 **such school if there is an available slot. No unaccredited district or unaccredited school**  
44 **shall be eligible to receive transfer students. No district or school with a three-year average**  
45 **score of seventy-five percent or lower on its annual performance report under the Missouri**  
46 **school improvement program shall be eligible to receive any transfer students, irrespective**  
47 **of its state board of education classification designation, except that any student who was**  
48 **granted a transfer to such a district or attendance center prior to the effective date of this**  
49 **section may remain enrolled in that district or school.**

50           **4. Notwithstanding the provisions of subsection 3 of this section, a student may**  
51 **transfer to an accredited school within an unaccredited or provisionally district, if the**  
52 **accredited school applies for and is granted a waiver by the department of elementary and**  
53 **secondary education to allow the school to accept transfer students.**

54           **5. For a receiving district, no acceptance of a transfer student shall require any of**  
55 **the following actions, unless the board of education of the receiving district has approved**  
56 **the action:**

57           **(1) A class size and assigned enrollment in a receiving school that exceeds the**  
58 **number of students provided by its approved policy on class size under subsection 6 of this**  
59 **section;**

60           **(2) The hiring of additional classroom teachers; or**

61           **(3) The construction of additional classrooms.**

62           **6. Each receiving district shall have the right to establish and adopt, by objective**  
63 **means, a policy for desirable class size and student-teacher ratios. A policy may allow for**  
64 **estimated growth in the resident student population. Any district that adopts such a policy**  
65 **shall do so by January first annually. A receiving district shall publish its policy and shall**  
66 **not be required to accept any transfer students under this section that would violate its**  
67 **class size or student-teacher ratio. If a student seeking to transfer is denied admission to**  
68 **a district based on a lack of space under the district's policy, the student or the student's**  
69 **parent or guardian may appeal the ruling to the state board of education if he or she**  
70 **believes the district's policy is unduly restrictive to student transfers. If more than one**  
71 **student or parent appeals a denial of admission from the same district to the state board**  
72 **of education, the state board shall make an effort to hear such actions at the same time. If**  
73 **the state board of education finds that the district's policy is unduly restrictive to student**  
74 **transfers, the state board may limit the district's policy. The state board's decision shall**  
75 **be final.**

76           **7. Each receiving district shall adopt a policy establishing a tuition rate by**  
77 **February first annually.**

78           **8. If an unaccredited district becomes classified as provisionally accredited or**  
79 **accredited without provisions by the state board of education, any resident student of the**  
80 **unaccredited district who has transferred to an accredited district in the same or an**  
81 **adjoining county or to an approved charter school shall be permitted to continue his or her**  
82 **educational program in the receiving district or charter school through the completion of**  
83 **middle school, junior high school, or high school, whichever occurs first, except that a**  
84 **student who attends any school serving students through high school graduation but**

85 starting at grades lower than ninth grade shall be permitted to complete high school in the  
86 school to which he or she has transferred.

87 **9. Notwithstanding any other provision of law, any student who was participating**  
88 **in the school transfer program prior to January 1, 2015, shall have the option of**  
89 **transferring to a virtual school, approved charter school, or another public school in the**  
90 **student's district of residence that offers the student's grade level of enrollment.**

91 **10. Notwithstanding the provisions of subsection 7 of this section to the contrary,**  
92 **where costs associated with the provision of special education and related services to a**  
93 **student with a disability exceed the tuition amount established under this section, the**  
94 **unaccredited district shall remain responsible to pay the excess cost to the receiving**  
95 **district. When the receiving district is a component district of a special school district, the**  
96 **unaccredited district, including any metropolitan school district, shall contract with the**  
97 **special school district for the entirety of the costs to provide special education and related**  
98 **services, excluding transportation pursuant to this section. The special school district may**  
99 **contract with an unaccredited district, including any metropolitan district, for the**  
100 **provision of transportation of a student with a disability or the unaccredited district may**  
101 **provide transportation on its own.**

102 **11. A special school district shall continue to provide special education and related**  
103 **services, with the exception of transportation under this section, to a student with a**  
104 **disability transferring from an unaccredited school within a component district to an**  
105 **accredited school within the same or a different component district within the special**  
106 **school district.**

107 **12. When any metropolitan school district is declared unaccredited, it shall remain**  
108 **responsible for the provision of special education and related services, including**  
109 **transportation, to students with disabilities. A special school district in an adjoining**  
110 **county to a metropolitan school district may contract with the metropolitan school district**  
111 **for the reimbursement of special education services under sections 162.705 and 162.710**  
112 **provided by the special school district for transfer students who are residents of the**  
113 **unaccredited district.**

114 **13. Regardless of whether transportation is identified as a related service within**  
115 **a student's individualized education program, a receiving district that is not part of a**  
116 **special school district shall not be responsible for providing transportation to a student**  
117 **transferring under this section. An unaccredited district may contract with a receiving**  
118 **district that is not part of a special school district under sections 162.705 and 162.710 for**  
119 **transportation of students with disabilities.**

120           **14. When a seven-director school district or urban school district is declared**  
121 **unaccredited, it may contract with a receiving district that is not part of a special school**  
122 **district in the same or an adjoining county for the reimbursement of special education and**  
123 **related services under sections 162.705 and 162.710 provided by the receiving district for**  
124 **transfer students who are residents of the unaccredited district.**

**167.827. 1. By August 1, 2015, and by January first annually, each accredited**  
2 **district any portion of which is located in the same county as or in an adjoining county to**  
3 **an unaccredited district shall report to the education authority for the county in which the**  
4 **unaccredited district is located its number of available enrollment slots by grade level.**  
5 **Each unaccredited district shall report the number of available enrollment slots in the**  
6 **accredited schools of the district. Each charter school in the unaccredited district that**  
7 **wishes to receive transfer students shall provide the information required under this**  
8 **subsection by the same date.**

9           **2. Any education authority whose geographic area includes an unaccredited district**  
10 **shall make information and assistance available to parents or guardians who intend to**  
11 **transfer their child from an unaccredited school in an unaccredited district to an**  
12 **accredited district or to an approved charter school, as defined in section 167.848.**

13           **3. The parent or guardian of a student who intends to transfer his or her child to**  
14 **an accredited district in the same or an adjoining county or to an approved charter school**  
15 **shall send initial notification to the education authority for the county in which he or she**  
16 **resides by March first for enrollment in the subsequent school year.**

17           **4. The education authority whose geographic area includes an unaccredited district**  
18 **shall assign those students who seek to transfer to an accredited district in the same or an**  
19 **adjoining county or an approved charter school. The authority shall give first priority to**  
20 **students who live in the same household with any family member within the first or second**  
21 **degree of consanguinity or affinity who already attends an accredited school and who**  
22 **apply to attend the same accredited school. If insufficient grade-appropriate enrollment**  
23 **slots are available for a student to be able to transfer, that student shall receive first**  
24 **priority the following school year. The authority shall consider the following factors in**  
25 **assigning schools, with the student's or parent's choice as the most important factor:**

26           **(1) The student's or parent's choice of the receiving school;**

27           **(2) The best interests of the student;**

28           **(3) The availability of transportation funding, as provided in section 167.241; and**

29           **(4) Distance and travel time to a receiving school.**

30

31 **The education authority shall not consider student academic performance, free and**  
32 **reduced lunch status, or athletic ability in assigning a student to a school.**

33 **5. An education authority may deny a transfer to a student who in the most recent**  
34 **school year has been suspended from school two or more times or who has been suspended**  
35 **for an act of school violence under subsection 2 of section 160.261. A student whose**  
36 **transfer is initially precluded under this subsection may be permitted to transfer on a**  
37 **provisional basis as a probationary transfer student, subject to no further disruptive**  
38 **behavior, upon a statement from the student's current school that the student is not**  
39 **disruptive. A student who is denied a transfer under this subsection has the right to an in-**  
40 **person meeting with a representative of the authority. Each education authority shall**  
41 **develop administrative guidelines to provide common standards for determining disruptive**  
42 **behavior which shall include, but not be limited to, criteria under the safe schools act.**

43 **6. Notwithstanding any other provision of law, the test scores of transfer student**  
44 **attending school in districts other than their district of residence shall not be counted as**  
45 **part of the receiving district's test scores for the first two years the student attends school**  
46 **in the receiving district.**

**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. Whenever any metropolitan school district, any district located in any county**  
8 **with a charter form of government and with more than nine hundred fifty thousand**  
9 **inhabitants, or any district located in an adjoining county to them is assigned a**  
10 **classification designation of unaccredited by the state board of education, the authority**  
11 **shall coordinate student transfers from unaccredited schools in the unaccredited district**  
12 **to accredited districts in the same or an adjoining county, and if applicable, to an approved**  
13 **charter school as defined in section 167.848.**

14 **3. The authority shall consist of five members to be appointed by the governor, by**  
15 **and with the advice and consent of the senate, each of whom shall be a resident of the state.**  
16 **The members shall reflect the population characteristics of the districts they represent.**  
17 **Not more than three of the five members of the authority shall be of the same political**  
18 **party. Two members shall be residents of the metropolitan school district, two members**  
19 **shall be residents of school districts located in a county with a charter form of government**  
20 **and with more than nine hundred fifty thousand inhabitants, and one member shall be a**

21 resident of a district located in an adjoining county. The length of term for members shall  
22 be six years except for the initial members, who shall be appointed in the following  
23 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 to 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 to 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 from unaccredited schools in unaccredited  
71 districts located in its jurisdiction, as provided by law; and

72           (8) Coordinate and collaborate with local districts and local governments for the  
73 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 money 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, money 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 Authority". The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011.

2. Whenever any district located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or in an adjoining county is assigned a classification designation of unaccredited by the state board of education, the authority shall coordinate student transfers from unaccredited schools in the unaccredited district to accredited districts in the same or an adjoining county, and if applicable, to an approved charter school, as defined in section 167.848.

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

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

4. The term length of each initial appointee shall be designated by the governor at the time of making the appointment. Upon the expiration of the initial terms of office, successor members shall be appointed for terms of six years and shall serve until their

37 successors have been appointed and have qualified. Any member shall be eligible for  
38 reappointment. The governor shall fill any vacancy for the remainder of any unexpired  
39 term within thirty days of notification of the vacancy. Any member of the authority may  
40 be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other  
41 cause after notice and a public hearing unless the notice or hearing shall be expressly  
42 waived in writing.

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

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

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

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

- 66       **(1) Have perpetual succession as a body politic and corporate;**  
67       **(2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**  
68       **(3) Sue and be sued and to prosecute and defend, at law or in equity, in any court**  
69 **having jurisdiction of the subject matter and of the parties;**  
70       **(4) Establish and use a corporate seal and to alter the same at pleasure;**  
71       **(5) Maintain an office at such place or places in the state of Missouri as it may**  
72 **designate;**

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

75           **(7) Coordinate student transfers from unaccredited schools in unaccredited**  
76 **districts located in its jurisdiction, as provided by law; and**

77           **(8) Coordinate and collaborate with local districts and local governments for the**  
78 **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 money in accordance with distribution requirements and**  
7 **procedures developed by the department of elementary and secondary education and shall**  
8 **make disbursements of private money according to the direction 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, money 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;**

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. Whenever any district located in the statewide education authority's jurisdiction**  
14 **is assigned a classification designation of unaccredited by the state board of education, the**  
15 **authority shall coordinate student transfers from unaccredited schools in the unaccredited**  
16 **district to accredited districts in the same or an adjoining county, and if applicable, to an**  
17 **approved charter school as defined in section 167.848.**

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

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

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

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

44           **6. One member of the authority, designated by the governor for the purpose, shall**  
45 **call and convene the initial organizational meeting of the authority and shall serve as its**  
46 **president pro tempore. At the initial meeting and annually thereafter, the authority shall**  
47 **elect one of its members as president. The authority may appoint an executive director**  
48 **who shall not be a member of the authority and who shall serve at its pleasure. If an**

49 executive director is appointed, he or she shall receive such compensation as shall be fixed  
50 from time to time by action of the authority. The authority shall appoint a member as  
51 secretary who shall keep a record of the proceedings of the authority and shall be the  
52 custodian of all books, documents, and papers filed with the authority, the minute books  
53 or journal thereof, and its official seal. The secretary may cause copies to be made of all  
54 minutes and other records and documents of the authority and may give certificates under  
55 the official seal of the authority to the effect that the copies are true and correct copies, and  
56 all persons dealing with the authority may rely on such certificates. The authority, by  
57 resolution duly adopted, shall fix the powers and duties of its executive director as it may,  
58 from time to time, deem proper and necessary.

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

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

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

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

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

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

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

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

72 (7) Coordinate student transfers from unaccredited schools in unaccredited  
73 districts located in its jurisdiction, as provided by law; and

74 (8) Coordinate and collaborate with local districts and local governments for the  
75 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 money 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, money 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, 162.1310, 162.1312,  
2 167.131, 167.132, 167.642, 167.685, and 167.688, and 167.826 to 167.848, the following  
3 terms shall mean:

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

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

10 (3) "Approved charter school", a charter school in a neighboring district in the  
11 same or adjoining county with a three-year average score of seventy-five percent or higher  
12 on its annual performance report; however, any charter school that has existed for less  
13 than three years may request permission from the department of elementary and  
14 secondary education to accept transfers and any new charter applicants that file with the  
15 department may make accepting transfers a part of the new charter school's mission;

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

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

24 (6) "Education authority" or "authority", an education authority established  
25 under sections 167.830 to 167.845;

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

29           (8) **"Provisionally accredited school"**, an attendance center that is classified as  
30 **provisionally accredited by the state board of education pursuant to the authority of the**  
31 **state board of education to classify schools as established in sections 161.087, 161.092, and**  
32 **161.238;**

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

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

39           (11) **"Underperforming"**, a school district or an attendance center that has been  
40 **classified as unaccredited or provisionally accredited pursuant to the authority of the state**  
41 **board of education to classify schools or has a three-year average annual performance**  
42 **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 transient students and students**  
3 **enrolled in districts other than a student's resident district as provided in section 167.826**  
4 **and make such data available on the Missouri comprehensive data system. No personally**  
5 **identifiable 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 August 28, 2015, shall be invalid and void.**

**177.031. 1. The school board has the care and keeping of all property belonging to the**  
2 **district and shall provide the necessary globes, maps, charts, apparatus, supplementary books,**  
3 **and other material for the use of the school. The board shall keep the schoolhouses and other**  
4 **buildings in good repair, the grounds belonging thereto in good condition, and shall provide fuel,**  
5 **heating apparatus, and other material and appliances necessary for the proper heating, lighting,**

6 ventilation and sanitation of the schoolhouses; shall have the floors swept and fires made at the  
7 expense of the district, and cause an accurate account of the expense thereof to be kept and a  
8 report and settlement to be made at the next annual meeting or as required by law.

9       2. The school board having charge of the schoolhouses, buildings and grounds  
10 appurtenant thereto may allow the free use of the houses, buildings and grounds for the free  
11 discussion of public questions or subjects of general public interest, for the meeting of  
12 organizations of citizens, and for any other civic, social and educational purpose that will not  
13 interfere with the prime purpose to which the houses, buildings and grounds are devoted. If an  
14 application is granted and the use of the houses, buildings, or grounds is permitted for the  
15 purposes aforesaid, the school board may provide, free of charge, heat, light and janitor service  
16 therein when necessary, and may make any other provisions, free of charge, needed for the  
17 convenient and comfortable use of the houses, buildings and grounds for such purposes, or the  
18 school boards may require the expenses to be paid by the organizations or persons who are  
19 allowed the use of the houses, buildings and grounds. All persons upon whose application or  
20 at whose request the use of any schoolhouse, building, or part thereof, or any grounds  
21 appurtenant thereto, is permitted as herein provided shall be jointly and severally liable for any  
22 injury or damage thereto which directly results from the use, ordinary wear and tear excepted.

23       **3. The school board of any district in which a charter school may be operated**  
24 **under subsection 2 of section 160.400 shall convey to any charter school operating within**  
25 **the geographic boundaries of such district, for a sum equal to the fair market value based**  
26 **on an independent appraisal, any school building and grounds that are not occupied by the**  
27 **district, subject to the following conditions:**

28       **(1) The charter school shall submit to the district a written proposal for the charter**  
29 **school to bring the property into compliance with all applicable building and occupancy**  
30 **codes and for paying the costs for operating a school on the property, including a pro**  
31 **forma that describes the planned use of the property, the work to be performed to bring**  
32 **the property into compliance with all applicable building and occupancy codes and the cost**  
33 **of such work, the plan for financing the cost of such work, and a ten year projected budget**  
34 **for the charter school that demonstrates the charter school's ability to pay the financing**  
35 **costs for such work and the cost of operating a school on the property school during such**  
36 **ten-year period;**

37       **(2) The school district shall have sixty days from receipt of the proposal described**  
38 **in subdivision (1) of this subsection to respond to the proposal;**

39       **(3) Unless the district affirmatively rejects the proposal within the sixty day period,**  
40 **the proposal shall be deemed to have been accepted on the sixtieth day and the district shall**  
41 **convey to the charter school fee title to the property free and clear of any encumbrances**



42 other than easements of record as of the date of the proposal, with reversionary rights to  
43 the school district described in subsection 4 of this section, upon satisfaction of the  
44 following contingencies within ninety days after the proposal has been affirmatively  
45 accepted or deemed to have been accepted in the absence of an affirmative acceptance or  
46 rejection:

47 (a) A bona fide commitment from a qualified lending agency or agencies to provide  
48 the financing described in the proposal;

49 (b) Sealed architectural plans for the work to be performed according to the  
50 proposal;

51 (c) A signed contract between a qualified developer or contractor and the charter  
52 school for performance of the work described in the proposal;

53 (4) The district may reject the proposal only by providing to the charter school  
54 within sixty days of receipt of the proposal from the charter school a letter stating  
55 specifically one or more of the following grounds for rejecting the proposal and the factual  
56 basis that supports each such grounds, including district documents that support the stated  
57 basis for rejecting the proposal:

58 (a) The building and grounds have been occupied by the district within one year  
59 before the date of the proposal;

60 (b) The district's budget for the upcoming school year includes funds for re-  
61 opening a district-operated school in the building in the upcoming school year in an  
62 amount sufficient to open and operate the school in such building;

63 (c) The charter school's proposal is not financially feasible based on the pro forma;  
64 and

65 (5) If the district rejects the proposal, the charter school may, within thirty days of  
66 receipt of the rejection, appeal the district's decision to the commissioner of education by  
67 submitting a written notice of appeal to him or her, with a copy of such notice to the  
68 district, asking the commissioner of education to review the proposal and the rejection and  
69 make a determination whether the grounds stated by the district for rejecting the proposal  
70 are supported by the record. The notice of appeal shall include a copy of the proposal and  
71 the rejection and any documents that were made a part of the proposal or rejection. The  
72 commissioner of education shall schedule an evidentiary hearing on the matters at issue in  
73 the appeal, which hearing shall be concluded within thirty days of the commissioner's  
74 receipt of the notice of appeal unless such hearing is waived or the time for completing the  
75 hearing is extended to a date certain by stipulation of the parties. Within thirty days after  
76 the conclusion of the hearing, unless the date for issuance of an order is extended to a date  
77 certain by stipulation of the parties, the commissioner of education shall issue a written

78 **order stating whether the proposal meets the requirement of this section. If the**  
79 **commissioner of education rules that the proposal meets the requirements of this section,**  
80 **conveyance of the property by the district to the charter school shall proceed as described**  
81 **in this subsection as if the proposal had been accepted by the district on the date of the**  
82 **commissioner's order. An order of the commissioner of education is subject to appeal to**  
83 **the circuit court pursuant to sections 536.110 to 536.130.**

84 **4. Any conveyance of property by a district to a charter school pursuant to**  
85 **subsection 3 of this section shall be subject to a reversionary interest in favor of the district,**  
86 **subject to any deeds of trust that secure any financing of improvements to the property,**  
87 **in the event the charter school ceases to operate as a charter school without having merged**  
88 **with another charter school in good standing.**

89 **5. The school board of each district shall list on its internet website any buildings**  
90 **that are no longer occupied. Such listing shall identify the date on which the building was**  
91 **no longer occupied.**

92 **6. For purposes of subsections 3, 4, 5, and 6 of this section, the term "occupied"**  
93 **shall mean a district-owned building used for the education of children between the ages**  
94 **of four and twenty-one for at least three hours a day for a school term.**

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, this act is deemed necessary for the immediate preservation of the public health,  
4 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of  
5 the constitution, and this act shall be in full force and effect upon its passage and approval.

✓