

FIRST REGULAR SESSION

HOUSE BILL NO. 1017

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OXFORD.

2074L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.1100, RSMo, and to enact in lieu thereof one new section relating to the temporary governance of a school district located in a city not within a county, with an emergency clause.

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

Section A. Section 162.1100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.1100, to read as follows:

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

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the

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.

17 governing board shall serve without compensation for a term of three years, or until their
18 successors have been appointed, or until the transitional district is dissolved or terminated. Any
19 tax approved for the transitional district shall be assigned to the governing body of the school
20 district in a city not within a county after dissolution or termination of the transitional district.

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

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

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

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

43 (2) Exploration of alternative forms of [governance] **education** for the district;

44 (3) Authority to contract with nonprofit corporations **and governmental agencies** to
45 provide [for the operation of schools] **additional services for the children enrolled in the**
46 **district;**

47 (4) Oversight of facility planning, construction, improvement, repair, maintenance and
48 rehabilitation;

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

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

54 5. (1) [The provisions of a final judgment as to the state of Missouri and its officials in
55 a school desegregation case which subjects a district in which a transitional district is located in
56 this state to a federal court's jurisdiction may authorize or require the governing body of a
57 transitional school district established under this section to establish the transitional district's
58 operating levy for school purposes, as defined pursuant to section 163.011, at a level not to
59 exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax
60 equivalent amount as determined by the department of elementary and secondary education
61 which may be substituted for all or part of such property tax.

62 (2) **Upon the effective date of this section**, any other statute to the contrary
63 notwithstanding, no **property or sales tax** [authorized pursuant to this subsection] **equivalent**
64 **for the district** shall:

65 [(a)] be subject to any certificate of tax abatement [issued after August 28, 1998,
66 pursuant to sections 99.700 to 99.715; and

67 (b) Effective January 1, 2002, be subject to any new or existing] **or** tax increment
68 financing adopted by a city not within a county pursuant to [sections 99.800 to 99.865 except that
69 any redevelopment plan and redevelopment project concerning a convention headquarters hotel
70 adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to
71 such tax increment financing] **chapter 99**.

72 [(3)] (2) The transitional school district shall not be subject to the provisions of section
73 162.081, sections 163.021 and 163.023 with respect to any requirements to maintain a minimum
74 value of operating levy or any consequences provided by law for failure to levy at least such
75 minimum rate. [No operating levy or increase in the operating levy or sales tax established
76 pursuant to this section shall be collected for a transitional school district unless prior approval
77 is obtained from a simple majority of the district's voters. The board of the transitional district
78 shall place the matter before the voters prior to March 15, 1999.]

79 6. (1) The special administrative board established in this section shall develop,
80 implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall
81 be subject to review and approval of the state board of education. The plan shall ensure that all
82 students meet or exceed grade-level standards established by the state board of education
83 pursuant to section 160.514;

84 (2) The special administrative board shall establish student performance standards
85 consistent with the standards established by the state board of education pursuant to section
86 160.514 for preschool through grade twelve in all skill and subject areas, subject to review and

87 approval of the state board of education for the purpose of determining whether the standards are
88 consistent with standards established by the state board of education pursuant to section 160.514;

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

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

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

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

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

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

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

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

118 12. The transitional school district in any city not within a county shall be dissolved on
119 July 1, [2008, unless the state board determines, prior to that date, that it is necessary for the
120 transitional district to continue to accomplish the purposes for which it was created] **2012**. The
121 state board of education **or the governor** may cause the termination of the transitional school
122 district at any time upon a determination that the transitional district has accomplished the

123 purposes for which it was established, **is not performing up to state standards**, and is no longer
124 needed. The [state board of education] **voters of the transitional school district** may cause the
125 **termination or** reestablishment of the transitional school district at any time upon a
126 determination **through the local petition process and a vote of the registered voters within**
127 **the district** that it is necessary for the transitional district to be reestablished to accomplish the
128 purposes established in this section, **or that the transitional district is no longer the desired**
129 **form of governance. The transitional school district shall terminate within thirty days**
130 **upon any determination, judgment, or report issued by the department of elementary and**
131 **secondary education that the district qualifies for any status other than unaccredited as**
132 **judged by state standards.** The state board of education shall provide notice to the governor
133 and general assembly of the termination or reestablishment of the transitional school district and
134 the termination or reestablishment shall become effective thirty days following such
135 determination. Upon dissolution of a transitional school district pursuant to this section, nothing
136 in this section shall be construed to reduce or eliminate any power or duty of any school district
137 or districts containing the territory of the dissolved transitional school district unless such
138 transitional school district is reestablished by the state board of education pursuant to this
139 section.

140 **13. (1) Upon the effective date of this section, the governing body of a school**
141 **district located in a city not within a county under a transitional school district shall as**
142 **soon as practicable elect one of its members to serve on the governing board of the**
143 **transitional school district. Such person shall have full voting rights on each board to**
144 **fulfill the requirements of this section and provide for a seamless transition of information**
145 **and governance.**

146 **(2) As provided in section 162.621, the board of directors of the school district shall**
147 **at all times retain auditing and public reporting powers. Upon the effective date of this**
148 **section, the governing board of the transitional school district located in a city not within**
149 **a county shall retain from its current operating budget and any future budgets, a sum of**
150 **three dollars per registered voter in the district for public reporting purposes and provide**
151 **unfettered access for members of the board of directors of the school district to all records**
152 **for auditing purposes. No sunshine fees shall apply to any member of the board of**
153 **directors of the school district for requested records, and all records shall be produced**
154 **within seven days of the request.**

155 **(3) Upon the effective date of this section, the board of directors of the transitional**
156 **school district shall have discretion in holding meetings at any location or building**
157 **maintained by the transitional school district, with notice given at least seven days in**
158 **advance to the chief executive officer of the transitional school district.**

159 **(4) Upon the effective date of this section, the board of directors shall have access**
160 **at no charge to any facility owned, operated, or leased by the transitional school district**
161 **that was previously available to the board.**

 Section B. Because immediate action is necessary to provide continuity and stability
2 through the transition of power from an appointed to elected board, section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section
5 A of this act shall be in full force and effect upon its passage and approval.

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