

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 79
95TH GENERAL ASSEMBLY

0052L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.121, 160.011, 160.041, 160.400, 160.405, 160.410, 160.534, 160.545, 160.775, 162.431, 162.492, 163.011, 163.031, 163.044, 165.011, 167.031, 168.133, 168.251, 171.031, 171.033, 172.360, 173.250, 174.130, 178.635, 178.780, 208.009, 313.775, 313.778, and 313.822, RSMo, and to enact in lieu thereof forty-eight new sections relating to education, with penalty provisions, an emergency clause for certain sections, and an effective date for a certain section.

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

Section A. Sections 115.121, 160.011, 160.041, 160.400, 160.405, 160.410, 160.534, 2 160.545, 160.775, 162.431, 162.492, 163.011, 163.031, 163.044, 165.011, 167.031, 168.133, 3 168.251, 171.031, 171.033, 172.360, 173.250, 174.130, 178.635, 178.780, 208.009, 313.775, 4 313.778, and 313.822, RSMo, are repealed and forty-eight new sections enacted in lieu thereof, 5 to be known as sections 115.121, 142.814, 160.011, 160.041, 160.263, 160.400, 160.405, 6 160.410, 160.534, 160.539, 160.545, 160.775, 161.390, 161.850, 162.083, 162.204, 162.431, 7 162.492, 162.1250, 163.011, 163.031, 163.044, 163.095, 165.011, 167.018, 167.019, 167.031, 8 167.720, 168.133, 168.185, 168.251, 170.400, 171.029, 171.031, 171.033, 172.360, 173.250, 9 173.268, 173.754, 173.1110, 174.130, 175.025, 178.635, 178.780, 178.785, 208.009, 210.205, 10 and 313.822, to read as follows:

115.121. 1. The general election day shall be the first Tuesday after the first Monday in 2 November of even-numbered years.

3 2. The primary election day shall be the first Tuesday after the first Monday in August 4 of even-numbered years.

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.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year; and shall be known as the
7 "general municipal election day".

8 4. In addition to the primary election day provided for in subsection 2 of this section, for
9 the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary
10 election day for the purpose of permitting school districts and other political subdivisions of
11 Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through
12 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of
13 such school district or other political subdivision voting thereon, to provide funds for the
14 acquisition, construction, equipping, improving, restoration, and furnishing of facilities to
15 replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost
16 due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic
17 winds, rainstorms and the like which occurred during the month of April or May, 2003.

18 5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or
19 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall
20 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on
21 the sixth Tuesday prior to the election. For purposes of any such election, all references in
22 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth
23 Tuesday prior to such election.

24 **6. In addition to the general election day provided for in subsection 1 of this section,**
25 **for the year 2009 the first Tuesday after the first Monday in November shall be a general**
26 **election day for the purpose of permitting school districts to incur debt in accordance with**
27 **the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with**
28 **the approval of four-sevenths of the eligible voters of such school district, to provide funds**
29 **for school districts to acquire, construct, equip, improve, restore, and furnish public school**
30 **facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of**
31 **1986, as amended, which provides for qualified school construction bonds and the**
32 **provisions of Section 54AA of the Internal Revenue Code of 1986 as amended, which**
33 **provides for build America bonds, as well as in accordance with the provisions of Section**
34 **103 of the Internal Revenue Code of 1986, as amended, which provides for traditional**
35 **government bonds.**

142.814. 1. Motor fuel sold to be used to operate school buses to transport students
2 **to or from school or to transport students to or from any place for educational purposes**
3 **is exempt from the fuel tax imposed by this chapter. As used in this section, "school buses"**
4 **shall have the same meaning as section 302.010, RSMo, and shall not include any motor**
5 **vehicle owned by the parent of a student for personal use.**

6 **2. The department shall promulgate rules to implement the provisions of this**
7 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
8 **that is created under the authority delegated in this section shall become effective only if**
9 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
10 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
11 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
12 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
13 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
14 **adopted after August 28, 2009, shall be invalid and void.**

 160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and
2 178, RSMo, 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

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;

21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;

23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;

25 (7) "Public school" includes all elementary and high schools operated at public expense;

26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;

28 (9) "School term", a minimum of one hundred seventy-four school days, as that term is
29 defined in section 160.041, **for schools with a five-day school week or a minimum of one**
30 **hundred forty-two school days, as that term is defined in section 160.041, for schools with**
31 **a four-day school week**, and one thousand forty-four hours of actual pupil attendance as
32 scheduled by the board pursuant to section 171.031, RSMo, during a twelve-month period in
33 which the academic instruction of pupils is actually and regularly carried on for a group of
34 students in the public schools of any school district. A "school term" may be within a school
35 year or may consist of parts of two consecutive school years, but does not include summer
36 school. A district may choose to operate two or more terms for different groups of children. **A**
37 **school term for students participating in a school flex program as established in section**
38 **160.539 may consist of a combination of actual pupil attendance and attendance at college**
39 **or technical career education or approved employment aligned with the student's career**
40 **academic plan for a total of one thousand forty-four hours;**

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

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

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

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

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

160.041. 1. The "minimum school day" consists of three hours **for schools with a five-**
2 **day school week or four hours for schools with a four-day school week** in which the pupils
3 are under the guidance and direction of teachers in the teaching process. A "school month"
4 consists of four weeks of five days each **for schools with a five-day school week or four weeks**
5 **of four days each for schools with a four-day school week**. The "school year" commences on
6 the first day of July and ends on the thirtieth day of June following.

7 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
8 education is authorized to reduce the required number of hours and days in which the pupils are
9 under the guidance and direction of teachers in the teaching process if:

10 (1) There is damage to or destruction of a public school facility which requires the dual
11 utilization of another school facility; or

12 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033,
13 RSMo, prevents students from attending the public school facility. Such reduction shall not
14 extend beyond two calendar years in duration.

**160.263. 1. The school discipline policy under section 160.261 shall prohibit
2 confining a student in an unattended, locked space except for an emergency situation while
3 awaiting the arrival of law enforcement personnel.**

**4 2. By July 1, 2011, the local board of education of each school district shall adopt
5 a written policy that comprehensively addresses the use of restrictive behavioral
6 interventions as a form of discipline or behavior management technique. The policy shall
7 be consistent with professionally accepted practices and standards of student discipline,
8 behavior management, health and safety, including the Safe Schools Act. The policy shall
9 include but not be limited to:**

**10 (1) Definitions of "restraint", "seclusion", and "time-out" and any other
11 terminology necessary to describe the continuum of restrictive behavioral interventions
12 available for use or prohibited in the district;**

**13 (2) Description of circumstances under which a restrictive behavioral intervention
14 is allowed and prohibited and any unique application requirements for specific groups of
15 students such as differences based on age, disability, or environment in which the
16 educational services are provided;**

**17 (3) Specific implementation requirements associated with a restrictive behavioral
18 intervention such as time limits, facility specifications, training requirements or
19 supervision requirements; and**

**20 (4) Documentation, notice and permission requirements associated with use of a
21 restrictive behavioral intervention.**

**22 3. The department of elementary and secondary education shall, in cooperation
23 with appropriate associations, organizations, agencies and individuals with specialized
24 expertise in behavior management, develop a model policy that satisfies the requirements
25 of subsection 2 of this section by July 1, 2010.**

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

2 2. Charter schools may be operated only in a metropolitan school district or in an urban
3 school district containing most or all of a city with a population greater than three hundred fifty
4 thousand inhabitants and may be sponsored by any of the following:

5 (1) The school board of the district;

6 (2) A public four-year college or university with its primary campus in the school district
7 or in a county adjacent to the county in which the district is located, with an approved teacher
8 education program that meets regional or national standards of accreditation;

- 9 (3) A community college located in the district; or
10 (4) Any private four-year college or university located in a city not within a county with
11 an enrollment of at least one thousand students, and with an approved teacher preparation
12 program.
- 13 3. The mayor of a city not within a county may request a sponsor under subdivision (2),
14 (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school,
15 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability
16 to target prospective students whose parent or parents are employed in a business district, as
17 defined in the charter, which is located in the city.
- 18 4. No sponsor shall receive from an applicant for a charter school any fee of any type for
19 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
20 promise of future payment of any kind.
- 21 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
22 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
23 sponsor and the charter school.
- 24 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter
25 school shall select the method for election of officers pursuant to section 355.326, RSMo, based
26 on the class of corporation selected. Meetings of the governing board of the charter school shall
27 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.
- 28 7. A sponsor of a charter school, its agents and employees are not liable for any acts or
29 omissions of a charter school that it sponsors, including acts or omissions relating to the charter
30 submitted by the charter school, the operation of the charter school and the performance of the
31 charter school.
- 32 8. A charter school may affiliate with a four-year college or university, including a
33 private college or university, or a community college as otherwise specified in subsection 2 of
34 this section when its charter is granted by a sponsor other than such college, university or
35 community college. Affiliation status recognizes a relationship between the charter school and
36 the college or university for purposes of teacher training and staff development, curriculum and
37 assessment development, use of physical facilities owned by or rented on behalf of the college
38 or university, and other similar purposes. The primary campus of the college or university must
39 be located within the county in which the school district lies wherein the charter school is located
40 or in a county adjacent to the county in which the district is located. A university, college or
41 community college may not charge or accept a fee for affiliation status.
- 42 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
43 department of elementary and secondary education retaining one and five-tenths percent of the
44 amount of state and local funding allocated to the charter school under section 160.415, not to

45 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
46 be withheld when the sponsor is a school district or the state board of education. The department
47 of elementary and secondary education shall remit the retained funds for each charter school to
48 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
49 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
50 school it sponsors, **including appropriate demonstration of the following:**

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

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

57 **(3) Negotiates contracts with charter schools that clearly articulate the rights and**
58 **responsibilities of each party regarding school autonomy, expected outcomes, measures for**
59 **evaluating success or failure, performance consequences, and other material terms;**

60 **(4) Conducts contract oversight that evaluates performance, monitors compliance,**
61 **informs intervention and renewal decisions, and ensures autonomy provided under**
62 **applicable law; and**

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

65 10. No university, college or community college shall grant a charter to a nonprofit
66 corporation if an employee of the university, college or community college is a member of the
67 corporation's board of directors.

68 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
69 RSMo, without ensuring that a criminal background check and child abuse registry check are
70 conducted for all members of the governing board of the charter schools or the incorporators of
71 the charter school if initial directors are not named in the articles of incorporation, nor shall a
72 sponsor renew a charter without ensuring a criminal background check and child abuse registry
73 check are conducted for each member of the governing board of the charter school.

74 12. No member of the governing board of a charter school shall hold any office or
75 employment from the board or the charter school while serving as a member, nor shall the
76 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
77 employed by or contracting with the board. No board member shall be an employee of a
78 company that provides substantial services to the charter school. All members of the governing
79 board of the charter school shall be considered decision-making public servants as defined in

80 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
81 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

82 13. A sponsor shall provide timely submission to the state board of education of all data
83 necessary to demonstrate that the sponsor is in material compliance with all requirements of
84 sections 160.400 to 160.420 and 167.349, RSMo.

85 14. The state board of education shall ensure each sponsor is in compliance with all
86 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
87 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
88 sponsorship of charter schools, delineating both what is mandated by statute and what best
89 practices dictate. The state board, after a public hearing, may require remedial action for a
90 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
91 including withholding the sponsor's funding and suspending for a period of up to one year the
92 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
93 school. If the state board removes the authority to sponsor a currently operating charter school,
94 the state board shall become the interim sponsor of the school for a period of up to three years
95 until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

17 (1) The educational goals and objectives to be achieved by the charter school;

18 (2) A description of the charter school's educational program and curriculum;

19 (3) The term of the charter, which shall be not less than five years, nor greater than ten
20 years and shall be renewable;

21 (4) A description of the charter school's pupil performance standards, which must meet
22 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
23 must be designed to enable each pupil to achieve such standards;

24 (5) A description of the governance and operation of the charter school, including the
25 nature and extent of parental, professional educator, and community involvement in the
26 governance and operation of the charter school; and

27 (6) A description of the charter school's policies on student discipline and student
28 admission, which shall include a statement, where applicable, of the validity of attendance of
29 students who do not reside in the district but who may be eligible to attend under the terms of
30 judicial settlements.

31 2. Proposed charters shall be subject to the following requirements:

32 (1) A charter may be approved when the sponsor determines that the requirements of this
33 section are met and determines that the applicant is sufficiently qualified to operate a charter
34 school. The sponsor's decision of approval or denial shall be made within ninety days of the
35 filing of the proposed charter;

36 (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
37 to the reasons for its denial and forward a copy to the state board of education within five
38 business days following the denial;

39 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
40 to the state board of education, along with the sponsor's written reasons for its denial. If the state
41 board determines that the applicant meets the requirements of this section, that the applicant is
42 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
43 would be likely to provide educational benefit to the children of the district, the state board may
44 grant a charter and act as sponsor of the charter school. The state board shall review the
45 proposed charter and make a determination of whether to deny or grant the proposed charter
46 within sixty days of receipt of the proposed charter, provided that any charter to be considered
47 by the state board of education under this subdivision shall be submitted no later than March first
48 prior to the school year in which the charter school intends to begin operations. The state board
49 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

50 (4) The sponsor of a charter school shall give priority to charter school applicants that
51 propose a school oriented to high-risk students and to the reentry of dropouts into the school
52 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
53 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
54 body and address the needs of dropouts or high-risk students through their proposed mission,
55 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
56 student is one who is at least one year behind in satisfactory completion of course work or

57 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
58 within the preceding six months, has limited English proficiency, has been suspended from
59 school three or more times, is eligible for free or reduced-price school lunch, or has been referred
60 by the school district for enrollment in an alternative program. "Dropout" shall be defined
61 through the guidelines of the school core data report. The provisions of this subsection do not
62 apply to charters sponsored by the state board of education.

63 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
64 state board of education, along with a statement of finding that the application meets the
65 requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan
66 under which the charter sponsor will evaluate the academic performance of students enrolled in
67 the charter school. The state board of education may, within sixty days, disapprove the granting
68 of the charter. The state board of education may disapprove a charter on grounds that the
69 application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349,
70 RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a
71 charter sponsor.

72 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
73 to judicial review pursuant to chapter 536, RSMo.

74 5. A charter school shall, as provided in its charter:

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

77 (2) Comply with laws and regulations of the state, county, or city relating to health,
78 safety, and state minimum educational standards, as specified by the state board of education,
79 including the requirements relating to student discipline under sections 160.261, 167.161,
80 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities
81 under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,
82 transmittal of school records under section 167.020, RSMo, and the minimum number of school
83 days and hours required under section 160.041;

84 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
85 relating to schools, governing boards and school districts;

86 (4) Be financially accountable, use practices consistent with the Missouri financial
87 accounting manual, provide for an annual audit by a certified public accountant, publish audit
88 reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual
89 financial report may be published on the department of elementary and secondary education's
90 Internet web site in addition to other publishing requirements, and provide liability insurance to
91 indemnify the school, its board, staff and teachers against tort claims. A charter school that
92 receives local educational agency status under subsection 6 of this section shall meet the

93 requirements imposed by the Elementary and Secondary Education Act for audits of such
94 agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school
95 shall be treated as a political subdivision on the same terms and conditions as the school district
96 in which it is located. For the purposes of securing such insurance, a charter school shall be
97 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
98 A charter school that incurs debt must include a repayment plan in its financial plan;

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

102 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
103 adopted by the state board of education pursuant to section 160.514, collect baseline data during
104 at least the first three years for determining how the charter school is performing and to the
105 extent applicable, participate in the statewide system of assessments, comprised of the essential
106 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
107 the state board pursuant to section 160.518, complete and distribute an annual report card as
108 prescribed in section 160.522, which shall also include a statement that background checks have
109 been completed on the charter school's board members, report to its sponsor, the local school
110 district, and the state board of education as to its teaching methods and any educational
111 innovations and the results thereof, and provide data required for the study of charter schools
112 pursuant to subsection 4 of section 160.410. No charter school will be considered in the
113 Missouri school improvement program review of the district in which it is located for the
114 resource or process standards of the program.

115 (b) For proposed high risk or alternative charter schools, sponsors shall approve
116 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
117 shall also approve comprehensive academic and behavioral measures to determine whether
118 students are meeting performance standards on a different time frame as specified in that school's
119 charter. Student performance shall be assessed comprehensively to determine whether a high
120 risk or alternative charter school has documented adequate student progress. Student
121 performance shall be based on sponsor-approved comprehensive measures as well as
122 standardized public school measures. Annual presentation of charter school report card data to
123 the department of elementary and secondary education, the state board, and the public shall
124 include comprehensive measures of student progress.

125 (c) Nothing in this paragraph shall be construed as permitting a charter school to be held
126 to lower performance standards than other public schools within a district; however, the charter
127 of a charter school may permit students to meet performance standards on a different time frame
128 as specified in its charter;

129 (7) Assure that the needs of special education children are met in compliance with all
130 applicable federal and state laws and regulations;

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

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

136 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
137 specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

138 6. The charter of a charter school may be amended at the request of the governing body
139 of the charter school and on the approval of the sponsor. The sponsor and the governing board
140 and staff of the charter school shall jointly review the school's performance, management and
141 operations at least once every two years or at any point where the operation or management of
142 the charter school is changed or transferred to another entity, either public or private. The
143 governing board of a charter school may amend the charter, if the sponsor approves such
144 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
145 the charter school's decision to become a local educational agency for the sole purpose of seeking
146 direct access to federal grants. In such case the sponsor shall give the department of elementary
147 and secondary education written notice no later than March first of any year, with the agreement
148 to become effective July first. The department may waive the March first notice date in its
149 discretion. The department shall identify and furnish a list of its regulations that pertain to local
150 educational agencies to such schools within thirty days of receiving such notice.

151 7. (1) A sponsor [may] **shall** revoke a charter **or take other appropriate remedial**
152 **action, which may include placing the charter school on probationary status**, at any time
153 if the charter school commits a serious breach of one or more provisions of its charter or on any
154 of the following grounds: failure to meet academic performance standards as set forth in its
155 charter, failure to meet generally accepted standards of fiscal management, failure to provide
156 information necessary to confirm compliance with all provisions of the charter and sections
157 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written
158 notice requesting such information, or violation of law.

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

162 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
163 governing board of the charter school of the proposed action in writing. The notice shall state

164 the grounds for the proposed action. The school's governing board may request in writing a
165 hearing before the sponsor within two weeks of receiving the notice.

166 (4) The sponsor of a charter school shall establish procedures to conduct administrative
167 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
168 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
169 review pursuant to chapter 536, RSMo.

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

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

176 8. A sponsor shall take all reasonable steps necessary to confirm that each charter school
177 sponsored by such sponsor is in material compliance and remains in material compliance with
178 all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo.
179 Every charter school shall provide all information necessary to confirm ongoing compliance with
180 all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely
181 manner to its sponsor.

182 9. A school district may enter into a lease with a charter school for physical facilities.

183 10. A governing board or a school district employee who has control over personnel
184 actions shall not take unlawful reprisal against another employee at the school district because
185 the employee is directly or indirectly involved in an application to establish a charter school. A
186 governing board or a school district employee shall not take unlawful reprisal against an
187 educational program of the school or the school district because an application to establish a
188 charter school proposes the conversion of all or a portion of the educational program to a charter
189 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
190 governing board or a school district employee as a direct result of a lawful application to
191 establish a charter school and that is adverse to another employee or an educational program.

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

197 12. Any entity, either public or private, operating, administering, or otherwise managing
198 a charter school shall be considered a quasi-public governmental body and subject to the
199 provisions of sections 610.010 to 610.035, RSMo.

200 13. The chief financial officer of a charter school shall maintain:

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

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

160.410. 1. A charter school shall enroll:

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

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

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

11 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
12 charter school shall have an admissions process that assures all applicants of an equal chance of
13 gaining admission except that:

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

18 (2) A charter school may also give a preference for admission of children whose siblings
19 attend the school or whose parents are employed at the school or in the case of a workplace
20 charter school, a child whose parent is employed in the business district or at the business site
21 of such school.

22 3. A charter school shall not limit admission based on race, ethnicity, national origin,
23 disability, gender, income level, proficiency in the English language or athletic ability, but may
24 limit admission to pupils within a given age group or grade level.

25 4. The department of elementary and secondary education shall commission a study of
26 the performance of students at each charter school in comparison with [a comparable] **an**
27 **equivalent group of district students representing an equivalent demographic and**
28 **geographic population** and a study of the impact of charter schools upon **the constituents they**
29 **serve in** the districts in which they are located, to be conducted by a contractor selected through
30 a request for proposal. **The charter school study shall include analysis of the administrative**

31 **and instructional practices of each charter school and shall include findings on innovative**
32 **programs that illustrate best practices and lend themselves to replication or incorporation**
33 **in other schools. The department of elementary and secondary education shall coordinate**
34 **the request for proposal process in conjunction with individuals representing charter**
35 **public schools and the districts in which the charter schools are located.** The department
36 of elementary and secondary education shall reimburse the contractor from funds appropriated
37 by the general assembly for the purpose. The study of a charter school's student performance in
38 relation to a comparable group shall be designed to provide information that would allow parents
39 and educators to make valid comparisons of academic performance between the charter school's
40 students and [a] **an equivalent** group of **district** students [comparable to the students enrolled
41 in the charter school] **representing an equivalent demographic and geographic population.**
42 **The student performance assessment and comparison shall include, but may not be limited**
43 **to, as prescribed by the request for proposal:**

- 44 (1) **Missouri assessment program test performance and aggregate growth over**
45 **several years;**
- 46 (2) **Student re-enrollment rates;**
- 47 (3) **Educator, parent, and student satisfaction data;**
- 48 (4) **Graduation rates in secondary programs; and**
- 49 (5) **Performance of students enrolled in the same public school for three or more**
50 **consecutive years.**

51

52 The impact study shall be undertaken every two years to determine the [effect] **impact** of charter
53 schools on [education stakeholders] **the constituents they serve** in the districts where charter
54 schools are operated. The impact study [may] **shall** include, but is not limited to, determining
55 if changes have been made in district policy or procedures attributable to the charter school and
56 to perceived changes in attitudes and expectations on the part of district personnel, school board
57 members, parents, students, the business community and other education stakeholders. The
58 department of elementary and secondary education shall make the results of the studies public
59 and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter
60 schools, the school board and superintendent of the districts in which the charter schools are
61 operated.

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

- 65 (1) The school's charter;

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

68 (3) The results of background checks on the charter school's board members.
69 The charter school may charge reasonable fees, not to exceed the rate specified in section
70 610.026, RSMo, for furnishing copies of documents under this subsection.

160.534. 1. [For fiscal year 1996 and each subsequent fiscal year,] Any amount of the
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess
3 of the amount transferred to the school district bond fund as provided in section 164.303, RSMo,
4 **and for fiscal year 2011 and each subsequent fiscal year, any amount in excess of what is**
5 **transferred to the school district bond fund as provided in section 164.303, RSMo, and**
6 **what is transferred to the small schools fund as provided in section 163.044, RSMo,** shall
7 be transferred to the classroom trust fund. Such moneys shall be distributed in the manner
8 provided in section 163.043, RSMo.

9 2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion
10 gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the
11 amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated
12 to the school district bond fund in accordance with section 164.303, RSMo, shall be deposited
13 into the schools first elementary and secondary education improvement fund. **The provisions**
14 **of this subsection shall terminate on July 1, 2010.**

15 3. The amounts deposited in the schools first elementary and secondary education
16 improvement fund pursuant to this section shall constitute new and additional funding for
17 elementary and secondary education and shall not be used to replace existing funding provided
18 for elementary and secondary education. **The provisions of this subsection shall terminate on**
19 **July 1, 2009.**

160.539. 1. **The "School Flex Program" is established to allow eligible students to**
2 **pursue a timely graduation from high school. The term "eligible students" includes**
3 **students in grades 11 or 12 who have been identified by the student's principal and the**
4 **student's parent or guardian to benefit by participating in the school flex program.**

5 2. **An eligible student who participates in a school flex program shall:**

6 (1) **Attend school a minimum of two instructional hours per school day within the**
7 **district of residence;**

8 (2) **Pursue a timely graduation;**

9 (3) **Provide evidence of college or technical career education enrollment and**
10 **attendance, or proof of employment and labor that is aligned with the student's career**
11 **academic plan which has been developed by the school district;**

12 **(4) Refrain from being expelled or suspended while participating in a school flex**
 13 **program;**

14 **(5) Pursue course and credit requirements for a diploma; and**

15 **(6) Maintain a ninety-five percent attendance rate.**

16 **3. Eligible students participating in the school flex program shall be considered**
 17 **full-time students of the school district and shall be counted in the school's average daily**
 18 **attendance for state basic aid purposes.**

19 **4. School districts participating in the school flex program shall submit, on forms**
 20 **provided by the department, an annual report to the department which shall include**
 21 **information required by the department, including but not limited to student participation,**
 22 **dropout, and graduation rates for students participating in the program. The department**
 23 **shall annually report to the joint committee on education under section 160.254 on the**
 24 **effectiveness of the program.**

160.545. 1. There is hereby established within the department of elementary and
 2 secondary education the "A+ Schools Program" to be administered by the commissioner of
 3 education. The program shall consist of [grant awards] **scholarships** made to **graduates** of
 4 public secondary schools that:

5 **(1) Demonstrate [a commitment to ensure that:**

6 **(1) All students be graduated from school;**

7 **(2) All students complete] completion of a selection of high school studies that is**
 8 **challenging and for which there are identified learning expectations; and**

9 **[3) All students] (2) Who proceed from high school graduation to a community**
 10 **college, [or] postsecondary vocational or technical school [or high-wage job with work place**
 11 **skill development opportunities] or state technical college, as provided in this section.**

12 **2. Pursuant to the A+ program, the state board of education shall promulgate rules and**
 13 **regulations [for the approval of grants made under the program to schools that:**

14 **(1) Establish measurable districtwide performance standards for the goals of the program**
 15 **outlined in subsection 1 of this section; and**

16 **(2)] that specify the knowledge, skills and competencies, in measurable terms, that**
 17 **students must demonstrate to successfully complete any individual course offered by [the] a**
 18 **school[,] and any course of studies which will qualify a student for graduation from [the ;] such**
 19 **school and does not include any general track course, that upon completion, counts toward**
 20 **a high school diploma, and**

21 **[(3) Do not offer a general track of courses that, upon completion, can lead to a high**
 22 **school diploma; and**

23 (4) Require] **further specify** rigorous coursework with standards of competency in basic
24 academic subjects for students pursuing vocational and technical education. [as prescribed by
25 rule and regulation of the state board of education; and

26 (5) Have a partnership plan developed in cooperation and with the advice of local
27 business persons, labor leaders, parents, and representatives of college and postsecondary
28 vocational and technical school representatives, with the plan then approved by the local board
29 of education. The plan shall specify a mechanism to receive information on an annual basis from
30 those who developed the plan in addition to senior citizens, community leaders, and teachers to
31 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
32 section. Further, the plan shall detail the procedures used in the school to identify students that
33 may drop out of school and the intervention services to be used to meet the needs of such
34 students. The plan shall outline counseling and mentoring services provided to students who will
35 enter the work force upon graduation from high school, address apprenticeship and intern
36 programs, and shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 3. A school district may participate in the program irrespective of its accreditation
39 classification by the state board of education, provided it meets all other requirements.

40 4. By rule and regulation, the state board of education may determine a local school
41 district variable fund match requirement in order for a school or schools in the district to receive
42 a grant under the program. However, no school in any district shall receive a grant under the
43 program unless the district designates a salaried employee to serve as the program coordinator,
44 with the district assuming a minimum of one-half the cost of the salary and other benefits
45 provided to the coordinator. Further, no school in any district shall receive a grant under the
46 program unless the district makes available facilities and services for adult literacy training as
47 specified by rule of the state board of education.

48 5. For any school that meets the requirements for the approval of the grants authorized
49 by this section and specified in subsection 2 of this section for three successive school years, by
50 August first following the third such school year, the commissioner of education shall present
51 a plan to the superintendent of the school district in which such school is located for the waiver
52 of rules and regulations to promote flexibility in the operations of the school and to enhance and
53 encourage efficiency in the delivery of instructional services in the school. The provisions of
54 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide
55 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section
56 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the
57 plan shall detail a means for the waiver of requirements otherwise imposed on the school related
58 to the authority of the state board of education to classify school districts pursuant to subdivision

59 (9) of section 161.092, RSMo, and such other rules and regulations as determined by the
60 commissioner of education, except such waivers shall be confined to the school and not other
61 schools in the school district unless such other schools meet the requirements of this subsection.
62 However, any waiver provided to any school as outlined in this subsection shall be void on June
63 thirtieth of any school year in which the school fails to meet the requirements for the approval
64 of the grants authorized by this section as specified in subsection 2 of this section.

65 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be
66 funded with the amount appropriated for this program, less those funds necessary to reimburse
67 eligible students pursuant to subsection 7 of this section.

68 7.] **3.** The commissioner of education shall, by rule and regulation of the state board of
69 education and with the advice of the coordinating board for higher education, establish a
70 procedure for the [reimbursement] **payment** of the cost of tuition, books, and fees to any public
71 community college or [within the limits established in subsection 9 of this section any two-year
72 public or private] vocational or technical school [for any student] **or state technical college, or**
73 **within the limits established in subsection 11 of this section, any two-year private**
74 **vocational or technical school, for any student:**

75 (1) Who has attended a public high school in the state for at least three years immediately
76 prior to graduation [that meets the requirements of subsection 2 of this section], except that
77 students who are active duty military dependents who, in the school year immediately preceding
78 graduation, meet all other requirements of this subsection and are attending a school that meets
79 the requirements of [subsection 2 of] this section shall be exempt from the three-year attendance
80 requirement of this subdivision; and

81 (2) Who has made a good faith effort to first secure all available **state and** federal
82 [sources of funding that could be applied to the reimbursement described in this subsection]
83 **postsecondary student financial assistance funds that do not require repayment;** and

84 (3) Who has earned a [minimal] grade **point** average **of at least two and one-half points**
85 **on a four-point scale,** or its equivalent on another scale, while in high school [as determined by
86 rule of the state board of education,] ; and

87 (4) **Meets** other requirements for the [reimbursement] **payment** authorized by this
88 subsection as determined by rule and regulation of said board.

89 **4. Student financial incentives shall be available for a period of four years after**
90 **high school graduation.**

91 **5. To be eligible for a student financial incentive, each student shall:**

92 (1) **Have attended a public high school in Missouri for three consecutive years prior**
93 **to high school graduation;**

94 **(2) Have graduated from high school with an overall grade point average of two**
95 **and five-tenths or higher on a four point scale, or its equivalent on another scale, or have**
96 **graduated from a high school with documented mastery of institutionally identified skills**
97 **that would equate to a two and five-tenths grade point average or higher on a four point**
98 **scale;**

99 **(3) Have performed at least fifty hours of unpaid tutoring or mentoring;**

100 **(4) Have at least a ninety-five percent attendance record overall for grades nine**
101 **through twelve; and**

102 **(5) Have maintained a record of good citizenship and avoidance of the unlawful use**
103 **of drugs and alcohol.**

104 **6. To maintain eligibility, each participating student shall, during the four year**
105 **period of incentive availability:**

106 **(1) Enroll in and attend on a full-time basis a Missouri public community college,**
107 **vocational or technical school, state technical college, or within the limits established in**
108 **subsection 11 of this section, any two-year private vocational or technical school;**

109 **(2) Maintain a grade point average of two and five-tenths points or higher on a four**
110 **point scale, or its equivalent on another scale; and**

111 **(3) Maintain a record of good citizenship and avoidance of the unlawful use of**
112 **drugs and alcohol.**

113 **7. The financial incentives shall be made available, subject to appropriation, only**
114 **after the student has made a documented good faith effort to first secure all available state**
115 **and federal postsecondary student financial assistance funds that do not require**
116 **repayment.**

117 **8. Subject to appropriation, the financial incentives shall only be made available**
118 **to pay the unpaid balance of the cost of tuition, general fees, and up to fifty percent of the**
119 **student's book cost after all available state and federal postsecondary student financial**
120 **assistance funds that do not require repayment have been applied to the cost of tuition,**
121 **general fees, and up to fifty percent of the student's book cost. If changes are made to the**
122 **above incentives, the department of elementary and secondary education shall provide**
123 **payments in the following order of priority:**

124 **(1) The full amount of tuition;**

125 **(2) The general fees; and**

126 **(3) Up to fifty percent of the book cost.**

127 **9. Missouri public community colleges, vocational or technical schools, state**
128 **technical colleges, or within the limits established in subsection 11 of this section, two-year**

129 private vocational or technical schools shall, under this section, verify, prior to payment,
130 for each student intending to participate in the program at their institution that:

131 (1) By the end of the first semester of the student's participation:

132 (a) Verification of student eligibility has been received from the high school from
133 which the student graduated;

134 (b) The eligible student is enrolled as a full-time student;

135 (c) A good faith effort has been made to secure all available state and federal
136 postsecondary student financial assistance funds that do not require repayment; and

137 (d) After all available state and federal postsecondary student financial assistance
138 funds that do not require repayment are applied to the cost of tuition, general fees, and up
139 to fifty percent of the student's book cost, the student shall receive financial incentive
140 funds. The amount of funds shall depend on the remaining costs of tuition, general fees,
141 and up to fifty percent of the book cost to attend that institution, subject to appropriation;
142 and

143 (2) During the second and subsequent semesters of the student's participation:

144 (a) The eligible student continues to be enrolled as a full-time student;

145 (b) Good faith efforts continue to be made to secure all available state and federal
146 postsecondary student financial assistance funds that do not require repayment;

147 (c) The student has earned and maintains a grade point average of two and
148 five-tenths points or higher on a four point scale, or its equivalent on another scale; and

149 (d) After all available state and federal postsecondary student financial assistance
150 funds that do not require repayment are applied to the cost of tuition, general fees, and up
151 to fifty percent of the student's book cost, the student shall receive financial incentive
152 funds. The amount of funds shall be subject to appropriation and shall depend on the
153 remaining costs of tuition, general fees, and up to fifty percent of the book cost to attend
154 that institution.

155 [8.] 10. The commissioner of education shall develop a procedure for evaluating the
156 effectiveness of the **scholarship** program described in this section. Such evaluation shall be
157 conducted annually with the results of the evaluation provided to the governor, speaker of the
158 house, and president pro tempore of the senate.

159 [9.] 11. For a two-year [public or] private vocational or technical school to obtain
160 reimbursements under subsection [7] 3 of this section, [except for those schools that are
161 receiving reimbursements on August 28, 2008,] the following requirements shall be satisfied:

162 (1) Such two-year [public or] private vocational or technical school shall be a member
163 of the North Central Association and be accredited by the Higher Learning Commission as of
164 July 1, 2008, and maintain such accreditation;

165 (2) Such two-year [public or] private vocational or technical school shall be designated
166 as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

167 (3) No two-year [public or] private vocational or technical school shall receive tuition
168 reimbursements in excess of the tuition rate charged by a public community college for course
169 work offered by the private vocational or technical school within the service area of such college;
170 and

171 (4) The reimbursements provided to any two-year private vocational or technical school
172 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri
173 Constitution or the first amendment of the United States Constitution.

160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2 2. "Bullying" means **discrimination**, intimidation, or harassment that causes a
3 reasonable student to fear for his or her physical safety or property; **substantially interferes**
4 **with a student's educational performance, opportunities, or benefits; or substantially**
5 **disrupts the orderly operation of the school.** Bullying may consist of physical actions,
6 including gestures, or oral, **cyberbullying, electronic**, or written communication, and any threat
7 of retaliation for reporting of such acts. **Bullying is prohibited by school employees or**
8 **students on school property, at any school function, or on a school bus.**

9 3. Each district's antibullying policy shall be founded on the assumption that all students
10 need a safe learning environment. [Policies shall treat students equally and shall not contain
11 specific lists of protected classes of students who are to receive special treatment.] **Bullying that**
12 **is reasonably perceived as being motivated by actual or perceived race, color, religion,**
13 **ancestry, national origin, gender, sexual orientation as defined in section 557.035, RSMo,**
14 **intellectual ability, physical appearance, or a mental, physical or sensory disability or**
15 **disorder; or on the basis of association with others identified by these categories; is**
16 **prohibited.** Policies may include age appropriate differences for schools based on the grade
17 levels at the school. Each such policy shall contain a statement of the consequences of bullying.

18 4. Each district's antibullying policy shall require, **at a minimum, the following**
19 **components:**

20 (1) **A statement prohibiting bullying, defined no less inclusive than that in**
21 **subsection 1 of this section;**

22 (2) **A statement requiring** district employees to report any instance of bullying of which
23 the employee has **reliable information or** firsthand knowledge[. The district policy shall
24 address training of employees in the requirements of the district policy.] ;

25 (3) **A procedure for reporting an act of bullying;**

26 (4) A procedure for prompt investigation of reports of serious violations and
27 complaints, identifying either the principal or the principal's designee as the person
28 responsible for the investigation;

29 (5) The range of ways in which a school will respond once an incident of bullying
30 is confirmed;

31 (6) A statement that prohibits reprisal or retaliation against any person who
32 reports an act of bullying and the consequence and appropriate remedial action for a
33 person who engages in reprisal or retaliation;

34 (7) A statement of how the policy is to be publicized; and

35 (8) A process for discussing the district's antibullying policy with students and
36 training school employees and volunteers who have significant contact with students in the
37 requirements of the policy.

38

39 Notice of each district's policy shall appear in any school district publication that sets forth
40 the comprehensive rules, procedures, and standards of conduct for schools within the
41 school district, and in any student or school employee handbook.

42 5. The state board of education shall develop model policies to assist local school
43 districts in developing policies for the prevention of bullying no later than September 1,
44 2010.

 161.390. 1. The department of elementary and secondary education shall develop
2 standards for teaching in Missouri public schools no later than June 30, 2010. The
3 standards shall be applicable to all public schools, including public charter schools.

4 2. Teaching standards shall address, but not be limited to, the following core
5 propositions:

6 (1) Students actively participate and are successful in the learning process;

7 (2) Various forms of assessment are used to monitor and manage student learning;

8 (3) The teacher is prepared and is knowledgeable of the content and effectively
9 maintains students' on-task behavior;

10 (4) The teacher uses professional communication and interaction with the school
11 community;

12 (5) The teacher keeps current on instructional knowledge and seeks and explores
13 changes in teaching behaviors that will improve student performance; and

14 (6) The teacher acts as a responsible professional in the overall mission of the
15 school.

16 3. School districts shall establish key criteria by which teaching may be evaluated
17 under the teaching standards. The department shall provide model criteria which districts

18 may use in establishing those criteria. The teaching standards and criteria shall serve as
19 the basis for establishment of district performance-based teaching evaluations under
20 section 168.128, RSMo, and teacher professional development plans.

161.850. 1. By January 1, 2010, the department of elementary and secondary
2 education shall develop and produce a publication entitled "The Parents' Bill of Rights"
3 that shall be designed to inform parents of children with an individualized education
4 program of their educational rights provided under federal and state law. The content of
5 the publication shall not confer any right or rights beyond those conferred by federal or
6 state law and shall state that it is for informational purposes only. The department shall
7 post a copy of this publication on its web site. The publication shall contain the
8 department's contact information.

9 2. The publication shall contain, but may not be limited to, the following general
10 information presented in a clear and concise manner and the department shall ensure the
11 content is consistent with legal interpretations of existing federal and state law and
12 provides equitable treatment of all disability groups and interests:

13 (1) The right of parents to attend individualized education program meetings and
14 represent their child's interests;

15 (2) The right of parents to have an advocate or expert present at an individualized
16 education program meeting;

17 (3) The right of parents to receive a copy of the child's evaluation and to disagree
18 with its results and request one independent educational evaluation at public expense;

19 (4) The right of parents to provide a written report from outside sources as part of
20 the evaluation process;

21 (5) The right of parents to examine all school records pertaining to the child and
22 be provided with a copy of the individualized education program;

23 (6) The right of parents to disagree with the decision of the school district and the
24 individualized education program team and to pursue complaint procedures, including a
25 child complaint filed with the department of elementary and secondary education,
26 state-paid mediation, and other due process rights;

27 (7) The right of parents with a child with an individualized education program to
28 participate in reviews of such program, participate in any decision to change any aspects
29 of the individualized education program, and meet with school officials whenever a change
30 occurs in their child's education program or classroom placement;

31 (8) The right of a child to be placed in the least restrictive environment and be
32 placed in a general education classroom, to the greatest extent appropriate;

33 **(9) The right of parents with limited English language proficiency to request an**
34 **accommodation to provide effective communications;**

35 **(10) The right of parents to have a free appropriate public education for their child**
36 **with an individualized education program designed to meet their child's unique needs,**
37 **which may include, but not be limited to, special education and related services such as**
38 **assistive technology devices and services, transportation, speech pathology services,**
39 **audiology services, interpreting services, psychological services, including behavioral**
40 **interventions, physical therapy, occupational therapy, recreation, including therapeutic**
41 **recreation, early identification and assessment of disabilities in children, counseling**
42 **services, including rehabilitation counseling, orientation and mobility services, school**
43 **health services, school nurse services, social work services, parent counseling and training,**
44 **and medical services for diagnostic or evaluation purposes.**

45 **3. Each school district shall provide the parent or parents of a child with a copy of**
46 **this publication upon determining that a student qualifies for an individualized education**
47 **program, and at any such time as a school district is required under state or federal law**
48 **to provide the parent or parents with notice of procedural safeguards.**

49 **4. The department of elementary and secondary education shall review and revise**
50 **the content of the publication as necessary to ensure the content accurately summarizes**
51 **current federal and state law and shall promulgate rules and regulations necessary to**
52 **implement the provisions of this section, including but not limited to, the manner in which**
53 **the publication described in this section shall be distributed.**

54 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
55 **that is created under the authority delegated in this section shall become effective only if**
56 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
57 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
58 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
59 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
60 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
61 **adopted after August 28, 2009, shall be invalid and void.**

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

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

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

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

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

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

15 **4. If the state board of education appoints a successor member to replace the chair**
16 **of the special administrative board, the serving members of the special administrative**
17 **board shall be authorized to appoint a superintendent of schools and contract for his or**
18 **her services.**

19 **5. On a date set by the state board of education, any district operating under the**
20 **governance of a special administrative board shall return to local governance, and continue**
21 **operation as a school district as otherwise authorized by law.**

162.204. Notwithstanding any provision of law to the contrary, a school district may
2 **fulfill its statutory responsibility to maintain permanent records by maintaining or storing**
3 **such records in a digital or electronic format. A school district that maintains or stores**
4 **records in a digital or electronic format shall follow all guidelines, suggestions, or**
5 **recommendations set forth by the manufacturer of the digital or electronic storage media.**
6 **A school district shall not use or maintain digital or electronic storage media beyond the**
7 **manufacturer suggested or recommended period of time.**

162.431. 1. When it is necessary to change the boundary lines between seven-director
2 school districts, in each district affected, ten percent of the voters by number of those voting for
3 school board members in the last annual school election in each district may petition the district
4 boards of education in the districts affected, regardless of county lines, for a change in
5 boundaries. The question shall be submitted at the next election, as the term "election" is
6 referenced and defined in section 115.123, RSMo.

7 2. The voters shall decide the question by a majority vote of those who vote upon the
8 question. If assent to the change is given by each of the various districts voting, each voting
9 separately, the boundaries are changed from that date.

10 3. If one of the districts votes against the change and the other votes for the change, the
11 matter may be appealed to the state board of education, in writing, within fifteen days of the
12 submission of the question by either one of the districts affected, or in the above event by a
13 majority of the signers of the petition requesting a vote on the proposal. At the first meeting of
14 the state board following the appeal, a board of arbitration composed of three members, none of
15 whom shall be a resident of any district affected, shall be appointed. In determining whether it

16 is necessary to change the boundary line between seven-director districts, the board of arbitration
17 shall base its decision upon the following:

18 (1) The presence of school-aged children in the affected area;

19 (2) The presence of actual educational harm to school-aged children, either due to a
20 significant difference in the time involved in transporting students or educational deficiencies
21 in the district which would have its boundary adversely affected; and

22 (3) The presence of an educational necessity, not of a commercial benefit to landowners
23 or to the district benefitting for the proposed boundary adjustment.

24

25 **For purposes of subdivision (2) of this subsection, "significant difference in the time**
26 **involved in transporting students" shall mean a difference of forty-five minutes or more**
27 **per trip in travel time. "Travel time" is the period of time required to transport a pupil**
28 **from the pupil's place of residence or other designated pickup point to the site of the**
29 **pupil's educational placement.**

30 4. [If the potential receiving district obtained a score consistent with the criteria for
31 classification of the district as accredited on its most recent annual performance report and the
32 potential sending district obtained a score consistent with the criteria for classification of the
33 district as unaccredited on its most recent annual performance report, the board shall approve the
34 proposed boundary change for the educational well-being of the children enrolled in the potential
35 sending district.

36 5.] Within twenty days after notification of appointment, the board of arbitration shall
37 meet and consider the necessity for the proposed changes and shall decide whether the
38 boundaries shall be changed as requested in the petition or be left unchanged, which decision
39 shall be final. The decision by the board of arbitration shall be rendered not more than thirty
40 days after the matter is referred to the board. The chairman of the board of arbitration shall
41 transmit the decision to the secretary of each district affected who shall enter the same upon the
42 records of his district and the boundaries shall thereafter be in accordance with the decision of
43 the board of arbitration. The members of the board of arbitration shall be allowed a fee of fifty
44 dollars each, to be paid at the time the appeal is made by the district taking the appeal or by the
45 petitioners should they institute the appeal.

46 [6.] 5. If the board of arbitration decides that the boundaries shall be left unchanged, no
47 new petition for the same, or substantially the same, boundary change between the same districts
48 shall be filed until after the expiration of two years from the date of the municipal election at
49 which the question was submitted to the voters of the districts.

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants the terms of the members of the board

3 of directors in office in 1967 shall continue until the end of the respective terms to which each
4 of them has been elected to office and in each case thereafter until the next school election be
5 held and until their successors, then elected, are duly qualified as provided in this section.

6 2. In each urban district designated in subsection 1, the election authority of the city in
7 which the greater portion of the school district lies, and of the county if the district includes
8 territory not within the city limits, shall serve ex officio as a redistricting commission. The
9 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
10 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions
12 as soon as practicable after each United States decennial census. In establishing the subdistricts
13 each member shall have one vote and a majority vote of the total membership of the commission
14 is required to make effective any action of the commission.

15 3. School elections for the election of directors shall be held on municipal election days
16 in each even-numbered year. At the election in 1970, one member of the board of directors shall
17 be elected by the voters of each subdistrict. The seven candidates, one from each of the
18 subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be
19 elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In
20 addition to other qualifications prescribed by law, each member elected from a subdistrict must
21 be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from
22 one to six and the directors elected from subdistricts one, three and five shall hold office for
23 terms of two years and until their successors are elected and qualified, and the directors elected
24 from subdistricts two, four and six shall hold office for terms of four years and until their
25 successors are elected and qualified. Every two years thereafter a member of the board of
26 directors shall be elected for a term of four years and until his successor is elected and qualified
27 from each of the three subdistricts having a member on the board of directors whose term expires
28 in that year. Those members of the board of directors who were in office in 1967 shall, when
29 their terms of office expire, be succeeded by the members of the board of directors elected from
30 subdistricts. In addition to the directors elected by the voters of each subdistrict, additional
31 directors shall be elected at large by the voters of the entire school district as follows: In 1970
32 one director at large shall be elected for a two-year term. In 1972 one director at large shall be
33 elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term
34 and thereafter in alternative elections one director shall be elected for a four-year term and then
35 two directors shall be elected for a four-year term, so that from and after the 1970 election the
36 board of directors not including those members who were in office in 1967 shall consist of seven
37 members until the 1974 election and thereafter the board shall consist of nine members. In those
38 years in which one at-large director is to be elected each voter may vote for one candidate and

39 the candidate receiving a plurality of votes cast shall be elected. In those years in which two
40 at-large directors are to be elected each voter may vote for two candidates and the two receiving
41 the largest number of votes cast shall be elected.

42 4. The six candidates, one from each of the subdistricts, who receive a plurality of the
43 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
44 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the
45 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
46 candidacy with the secretary of the board of directors containing the signatures of at least two
47 hundred fifty registered voters who are residents of the subdistrict within which the candidate
48 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of
49 at least five hundred registered voters. The election authority shall determine the validity of all
50 signatures on declarations of candidacy.

51 5. In any election either for at-large candidates or candidates elected by the voters of
52 subdistricts, if there are more than two candidates, a majority of the votes are not required to
53 elect but the candidate having a plurality of the votes if there is only one office to be filled and
54 the candidates having the highest number of votes, if more than one office is to be filled, shall
55 be elected.

56 6. The names of all candidates shall appear upon the ballot without party designation and
57 in the order of the priority of the times of filing their petitions of nomination. No candidate may
58 file both at large and from a subdistrict and the names of all candidates shall appear only once
59 on the ballot, nor may any candidate file more than one declaration of candidacy. All
60 declarations shall designate the candidate's residence and whether the candidate is filing at large
61 or from a subdistrict and the numerical designation of the subdistrict or at-large area.

62 7. The provisions of all sections relating to seven-director school districts shall also
63 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
64 the extent applicable and not in conflict with the provisions of those sections specifically relating
65 to such urban districts.

66 8. Vacancies which occur on the school board between the dates of election shall be
67 filled by majority vote of the remaining members of the school board to serve until the time of
68 the next regular school board election. Subdistrict director vacancies shall be filled by
69 appointment of a resident of the subdistrict in which the vacancy occurs.

70 **9. During the legislative interim between the first regular session of the ninety-fifth**
71 **general assembly through January 29, 2010, of the second regular session of the**
72 **ninety-fifth assembly, the joint committee on education shall study the issue of governance**
73 **in an urban school district as identified in subsection 1 of this section. In studying this**
74 **issue, the joint committee may solicit input and information necessary to fulfill its**

75 obligation, including but not limited to soliciting input and information from any state
76 department, state agency, school district, political subdivision of the state, teachers,
77 administrators, school board members, all interested parties concerned about governance
78 within the urban school district identified in subsection 1 of this section, and the general
79 public. The joint committee shall prepare a final report, together with its recommendations
80 for any legislative action deemed necessary for submission to the general assembly by
81 December 31, 2009.

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

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

21 3. For purposes of calculation and distribution of state school funding, attendance
22 of a student enrolled in a district or charter school virtual class shall equal, upon course
23 completion, ninety-four percent of the hours of attendance possible for such class delivered
24 in the non-virtual program in the student's resident district or charter school. Course
25 completion shall be calculated in two increments, fifty percent completion and one hundred
26 percent completion, based on the student's completion of defined assignments and
27 assessments, with distribution of state funding to a school district or charter school at each
28 increment equal to forty-seven percent of hours of attendance possible for such course

29 delivered in the non-virtual program in a student's school district of residence or charter
30 school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) "Current operating expenditures":

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

33 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
34 shall be the amount in paragraph (a) **of this subdivision** plus any increases in state funding
35 pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five
36 percent, per recalculation, of the state revenue received by a district in the 2004-05 school year
37 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
38 and free textbook payments for any district from the first preceding calculation of the state
39 adequacy target. **Beginning on July 1, 2010, current operating expenditures shall be the**
40 **amount in paragraph (a) of this subdivision plus any increases in state funding under**
41 **sections 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the**
42 **2004-05 school year from the foundation formula, line 14, gifted, remedial reading,**
43 **exceptional pupil aid, fair share, and free textbook payments for any district from the first**
44 **preceding calculation of the state adequacy target;**

45 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the
46 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for
47 debt service;

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

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

55 (b) "Regional wage per job":

56 a. The total Missouri wage and salary disbursements of the metropolitan area as defined
57 by the Office of Management and Budget divided by the total Missouri metropolitan wage and
58 salary employment for the metropolitan area for the county signified in the school district number
59 or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States
60 Department of Commerce for the fourth year preceding the payment year and recalculated upon

61 every decennial census to incorporate counties that are newly added to the description of
62 metropolitan areas; or if no such metropolitan area is established, then:

63 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
64 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
65 salary employment for the micropolitan area for the county signified in the school district
66 number, as reported by the Bureau of Economic Analysis of the United States Department of
67 Commerce for the fourth year preceding the payment year, if a micropolitan area for such county
68 has been established and recalculated upon every decennial census to incorporate counties that
69 are newly added to the description of micropolitan areas; or

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

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

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

76 (6) "Free and reduced lunch pupil count", the number of pupils eligible for free and
77 reduced lunch on the last Wednesday in January for the preceding school year who were enrolled
78 as students of the district, as approved by the department in accordance with applicable federal
79 regulations;

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

85 (8) **"Gifted education pupil count", the number of pupils who qualify as "gifted"**
86 **under the definition of "gifted children" in section 162.675, RSMo, and who are enrolled**
87 **in a gifted education program provided by the district on the last Wednesday in January**
88 **for the immediately preceding academic year but not to exceed five percent of the district's**
89 **immediately preceding academic year enrollment; provided that this subdivision shall not**
90 **be construed to limit any district from identifying or in any manner providing gifted**
91 **education services to more than five percent of the district's enrolled pupils;**

92 (9) "Limited English proficiency pupil count", the number in the preceding school year
93 of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school
94 or secondary school who were not born in the United States or whose native language is a
95 language other than English or are Native American or Alaskan native, or a native resident of
96 the outlying areas, and come from an environment where a language other than English has had

97 a significant impact on such individuals' level of English language proficiency, or are migratory,
98 whose native language is a language other than English, and who come from an environment
99 where a language other than English is dominant; and have difficulties in speaking, reading,
100 writing, or understanding the English language sufficient to deny such individuals the ability to
101 meet the state's proficient level of achievement on state assessments described in Public Law
102 107-10, the ability to achieve successfully in classrooms where the language of instruction is
103 English, or the opportunity to participate fully in society;

104 ~~[(9)]~~ **(10)** "Limited English proficiency threshold" shall be calculated by dividing the
105 total limited English proficiency pupil count of every performance district that falls entirely
106 above the bottom five percent and entirely below the top five percent of average daily attendance,
107 when such districts are rank-ordered based on their current operating expenditures per average
108 daily attendance, by the total average daily attendance of all included performance districts;

109 ~~[(10)]~~ **(11)** "Local effort":

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

126 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount
127 calculated under paragraph (a) of this subdivision plus any increase in the amount received for
128 school purposes from fines. If a district's assessed valuation has decreased subsequent to the
129 calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be
130 calculated using the district's current assessed valuation in lieu of the assessed valuation utilized
131 in **the** calculation outlined in paragraph (a) of this subdivision;

132 ~~[(11)]~~ **(12)** "Membership" shall be the average of:

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

137 (b) The number of resident full-time students and the full-time equivalent number of
138 part-time students who were enrolled in the public schools of the district on the last Wednesday
139 in January of the previous year and who were in attendance one day or more during the preceding
140 ten school days, plus the full-time equivalent number of summer school pupils. "Full-time
141 equivalent number of part-time students" is determined by dividing the total number of hours for
142 which all part-time students are enrolled by the number of hours in the school term. "Full-time
143 equivalent number of summer school pupils" is determined by dividing the total number of hours
144 for which all summer school pupils were enrolled by the number of hours required pursuant to
145 section 160.011, RSMo, in the school term. Only students eligible to be counted for average
146 daily attendance shall be counted for membership;

147 [(12)] (13) "Operating levy for school purposes", the sum of tax rates levied for teachers'
148 and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100,
149 RSMo, of any transitional school district containing the school district, in the payment year, not
150 including any equalized operating levy for school purposes levied by a special school district in
151 which the district is located;

152 [(13)] (14) "Performance district", any district that has met all performance standards and
153 indicators as established by the department of elementary and secondary education for purposes
154 of accreditation under section 161.092, RSMo, and as reported on the final annual performance
155 report for that district each year;

156 [(14)] (15) "Performance levy", three dollars and forty-three cents;

157 [(15)] (16) "School purposes" pertains to teachers' and incidental funds;

158 [(16)] (17) "Special education pupil count", the number of public school students with
159 a current individualized education program **or services plan** and receiving services from the
160 resident district as of December first of the preceding school year, except for special education
161 services provided through a school district established under sections 162.815 to 162.940,
162 RSMo, in a county with a charter form of government and with more than one million
163 inhabitants, in which case the sum of the students in each district within the county exceeding
164 the special education threshold of each respective district within the county shall be counted
165 within the special district and not in the district of residence for purposes of distributing the state
166 aid derived from the special education pupil count;

167 [(17)] (18) "Special education threshold" shall be calculated by dividing the total special
168 education pupil count of every performance district that falls entirely above the bottom five

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

172 [(18)] (19) "State adequacy target", the sum of the current operating expenditures of
173 every performance district that falls entirely above the bottom five percent and entirely below
174 the top five percent of average daily attendance, when such districts are rank-ordered based on
175 their current operating expenditures per average daily attendance, divided by the total average
176 daily attendance of all included performance districts [plus the total amount of funds placed in
177 the schools first elementary and secondary education improvement fund in the preceding fiscal
178 year divided by the total average daily attendance of all school districts for the preceding fiscal
179 year]. The department of elementary and secondary education shall first calculate the state
180 adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years
181 using the most current available data[; provided that the state adequacy target shall be
182 recalculated every year to reflect the per-pupil amount of funds placed in the schools first
183 elementary and secondary education improvement fund in the preceding fiscal year]. The
184 recalculation shall never result in a decrease from the previous state adequacy target amount **and**
185 **each recalculation shall ensure that the recalculated figure is at least one hundred two**
186 **percent of the previous state adequacy target amount.** Should a recalculation result in an
187 increase in the state adequacy target amount, fifty percent of that increase shall be included in
188 the state adequacy target amount in the year of recalculation, and fifty percent of that increase
189 shall be included in the state adequacy target amount in the subsequent year. The state adequacy
190 target may be adjusted to accommodate available appropriations;

191 [(19)] (20) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor,
192 principal, supervising principal, superintendent or assistant superintendent, school nurse, social
193 worker, counselor or librarian who shall, regularly, teach or be employed for no higher than
194 grade twelve more than one-half time in the public schools and who is certified under the laws
195 governing the certification of teachers in Missouri;

196 [(20)] (21) "Weighted average daily attendance", the average daily attendance plus the
197 product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that
198 exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths
199 multiplied by the number of special education pupil count that exceeds the special education
200 threshold, [and] plus the product of six-tenths multiplied by the number of limited English
201 proficiency pupil count that exceeds the limited English proficiency threshold, **and beginning**
202 **July 1, 2010, plus the product of twenty-five hundredths multiplied by the number of the**
203 **district's gifted education pupil count.** For special districts established under sections 162.815
204 to 162.940, RSMo, in a county with a charter form of government and with more than one

205 million inhabitants, weighted average daily attendance shall be the average daily attendance plus
206 the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that
207 exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths
208 multiplied by the sum of the special education pupil count that exceeds the threshold for each
209 county district, plus the product of six-tenths multiplied by the limited English proficiency pupil
210 count that exceeds the limited English proficiency threshold. None of the districts comprising
211 a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter
212 form of government and with more than one million inhabitants, shall use any special education
213 pupil count in calculating their weighted average daily attendance.

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

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

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

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

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

26 (c) For the 2008-09 school year, the state revenue per weighted average daily attendance
27 received by a district from the state aid calculation under subsections 1 and 4 of this section, as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of
106 the amount of state aid calculated for the district for the 2011-12 school year under the provisions
107 of subsection 1 of this section plus fourteen percent of the total amount of state revenue received
108 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
109 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
110 under section 163.043.

111 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target
112 may not be adjusted downward to accommodate available appropriations in any year governed
113 by this subsection.

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

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

126 c. For the 2008-09 school year [through the 2011-12 school year], if a school district
127 experiences a decrease in summer school average daily attendance of more than thirty-five
128 percent from the district's 2005-06 summer school average daily attendance, an amount equal to
129 the product of the percent reduction that is in excess of thirty-five percent of the district's
130 summer school average daily attendance multiplied by the funds generated by the district's
131 summer school program in the 2005-06 school year shall be subtracted from the district's
132 payment amount.

133 d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in
134 the case of a district that is receiving a payment under section 163.044 or any district whose

135 regular school term average daily attendance for the preceding year was three hundred fifty or
136 less.

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

140 (c) If a school district experiences a decrease in its gifted program enrollment of more
141 than twenty percent from its 2005-06 gifted program enrollment in any year governed by this
142 subsection, an amount equal to the product of the percent reduction in the district's gifted
143 program enrollment multiplied by the funds generated by the district's gifted program in the
144 2005-06 school year shall be subtracted from the district's current year payment amount.

145 5. For any school district meeting the eligibility criteria for state aid as established in
146 section 163.021, but which is considered an option district under section 163.042 and therefore
147 receives no state aid, the commissioner of education shall present a plan to the superintendent
148 of the school district for the waiver of rules and the duration of said waivers, in order to promote
149 flexibility in the operations of the district and to enhance and encourage efficiency in the delivery
150 of instructional services as provided in section 163.042.

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

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

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

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

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

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

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

163.044. 1. Beginning with the 2007 fiscal year and each subsequent fiscal year, the
2 general assembly shall appropriate [fifteen] **twenty** million dollars to be directed in the following
3 manner to school districts with an average daily attendance **for the regular school year** of three
4 hundred fifty students or less in the school year preceding the payment year:

5 (1) [Ten] **Fifteen** million dollars, **of which five million shall be transferred from the**
6 **gaming proceeds for education fund as prescribed in section 160.534, RSMo**, shall be
7 distributed to the eligible districts in proportion to their average daily attendance **for the regular**
8 **school year**; and

9 (2) Five million dollars shall be directed to the eligible districts that have an operating
10 levy for school purposes in the current year equal to or greater than the performance levy and any
11 school districts which have an operating levy for school purposes in the current year less than
12 the performance levy solely due to a modification of such district's levy required under
13 subdivision (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily
14 attendance shall be calculated for each eligible district in proportion to its operating levy for
15 school purposes for the current year divided by the performance levy with that result multiplied
16 by the district's average daily attendance [in the] **for the regular** school year preceding the
17 payment year. The total appropriation pursuant to this subdivision shall then be divided by the
18 sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting
19 amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible
20 district's tax-rate-weighted average daily attendance to determine the amount to be paid to each
21 eligible district.

22 **2. Beginning with the 2011 fiscal year and each subsequent fiscal year, the general**
23 **assembly shall appropriate an amount transferred from the gaming proceeds for education**
24 **fund as provided in section 160.534, RSMo, to be directed in the following manner to**
25 **school districts with an average daily attendance for the regular school year of three**
26 **hundred fifty-one to and including four hundred forty-nine students in the school year**
27 **preceding the payment year, so that a school district with an average daily attendance for**
28 **the regular school year of three hundred fifty-one shall receive ninety-nine percent of the**
29 **amount per average daily attendance distributed under subdivision (1) of subsection 1 of**
30 **this section and the percentage factor shall decrease by one per each additional student in**
31 **average daily attendance as average daily attendance for the regular school year increases**
32 **to and including four hundred forty-nine.**

33 **3.** The payment under this section shall not be transferred to the capital projects fund.

34 **[3.]4.** Except as provided in subsection **[2] 3** of this section, districts receiving payments
35 under this section may use the moneys for, including but not limited to, the following:

36 (1) Distance learning;

37 (2) Extraordinary transportation costs;

38 (3) Rural teacher recruitment; and

39 (4) Student learning opportunities not available within the district.

163.095. 1. For any unaccredited district in a county with a charter form of
2 **government and with more than one million inhabitants that in school year 2005-2006 set**
3 **a portion of its operating levy in the capital projects fund when the entire operating levy**
4 **could have been set in the incidental fund, the department of elementary and secondary**
5 **education shall calculate the amount the district would have received in state foundation**
6 **formula revenue for the fiscal year 2006 had the district placed the entire operating levy**
7 **amount in the incidental fund and shall use this revised 2005-2006 calculated funding**
8 **amount in determining the distribution of foundation formula aid for the 2009-2010 school**
9 **year and subsequent years. The revised calculation shall not change the funding to the**
10 **district for any year prior to the 2009-2010 school year.**

11 **2. After the completion of the 2010-2011 fiscal year, the state auditor shall perform**
12 **a follow-up audit for the school district described in subsection 1 of this section to**
13 **determine to what extent the issues addressed in the district's 2007 audit have been**
14 **addressed.**

15 **3. The school district shall obtain an independent appraisal prior to selling real**
16 **property.**

165.011. 1. The following funds are created for the accounting of all school moneys:
2 teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the

3 school district shall open an account for each fund specified in this section, and all moneys
4 received from the county school fund and all moneys derived from taxation for teachers' wages
5 shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under
6 section 163.031, RSMo, and all other moneys received from the state except as herein provided
7 shall be placed to the credit of the teachers' and incidental funds at the discretion of the district
8 board of education, except as provided in subsection 6 of section 163.031, RSMo. Money
9 received from other districts for transportation and money derived from taxation for incidental
10 expenses shall be credited to the incidental fund. All money derived from taxation or received
11 from any other source for the erection of buildings or additions thereto and the remodeling or
12 reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase
13 obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other
14 buildings of any kind, or school furniture, from insurance, from sale of bonds other than
15 refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived
16 from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school
17 district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund.
18 Money derived from taxation for the retirement of bonds and the payment of interest thereon
19 shall be credited to the debt service fund, which shall be maintained as a separate bank account.
20 Receipts from delinquent taxes shall be allocated to the several funds on the same basis as
21 receipts from current taxes, except that where the previous years' obligations of the district would
22 be affected by such distribution, the delinquent taxes shall be distributed according to the tax
23 levies made for the years in which the obligations were incurred. All refunds received shall be
24 placed to the credit of the fund from which the original expenditures were made. Money donated
25 to the school districts shall be placed to the credit of the fund where it can be expended to meet
26 the purpose for which it was donated and accepted. Money received from any other source
27 whatsoever shall be placed to the credit of the fund or funds designated by the board.

28 2. The school board may transfer any portion of the unrestricted balance remaining in
29 the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay
30 for more than twenty-five percent of the annual certificated compensation obligation of the
31 district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent
32 of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be
33 required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains
34 in the debt service fund, after the total outstanding indebtedness for which the fund was levied
35 is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance
36 remains in the bond proceeds after completion of the project for which the bonds were issued,
37 the balance shall be transferred from the incidental or capital projects fund to the debt service
38 fund. After making all placements of interest otherwise provided by law, a school district may

39 transfer from the capital projects fund to the incidental fund the interest earned from
40 undesignated balances in the capital projects fund. A school district may borrow from one of the
41 following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet
42 obligations in another of those funds; provided that the full amount is repaid to the lending fund
43 within the same fiscal year.

44 3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits
45 for certificated staff shall be paid from the teachers' fund.

46 4. Other provisions of law to the contrary notwithstanding, the school board of a school
47 district that meets the provisions of subsection 6 of section 163.031, RSMo, may transfer from
48 the incidental fund to the capital projects fund the sum of:

49 (1) The amount to be expended for transportation equipment that is considered an
50 allowable cost under state board of education rules for transportation reimbursements during the
51 current year; plus

52 (2) Any amount necessary to satisfy obligations of the capital projects fund for
53 state-approved area vocational-technical schools; plus

54 (3) Current year obligations for lease-purchase obligations entered into prior to January
55 1, 1997; plus

56 (4) The amount necessary to repay costs of one or more guaranteed energy savings
57 performance contracts to renovate buildings in the school district, provided that the contract is
58 only for energy conservation measures as defined in section 640.651, RSMo, and provided that
59 the contract specifies that no payment or total of payments shall be required from the school
60 district until at least an equal total amount of energy and energy-related operating savings and
61 payments from the vendor pursuant to the contract have been realized by the school district; plus

62 (5) An amount not to exceed the greater of:

63 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or

64 (b) Seven percent of the state adequacy target multiplied by the district's weighted
65 average daily attendance, provided that transfer amounts in excess of current year obligations of
66 the capital projects fund authorized under this subdivision may be transferred only by a
67 resolution of the school board approved by a majority of the board members in office when the
68 resolution is voted on and identifying the specific capital projects to be funded directly by the
69 district by the transferred funds and an estimated expenditure date.

70 5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection
71 6 of section 163.031, RSMo, and not making the transfer under subdivision (5) of subsection 4
72 of this section, nor making payments or expenditures related to obligations made under section
73 177.088, RSMo, may transfer from the incidental fund to the debt service fund or the capital
74 projects fund the greater of:

75 (1) The state aid received in the 2005-06 school year as a result of no more than eighteen
76 cents of the sum of the debt service and capital projects levy used in the foundation formula and
77 placed in the respective debt service or capital projects fund, whichever fund had the designated
78 tax levy; or

79 (2) Five percent of the state adequacy target multiplied by the district's weighted average
80 daily attendance.

81 6. Beginning in the 2006-07 school year, the department of elementary and secondary
82 education shall deduct from a school district's state aid calculated pursuant to section 163.031,
83 RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the
84 capital projects fund or debt service fund performed during the previous year in violation of this
85 section; except that the state aid shall be deducted over no more than five school years following
86 the school year of an unlawful transfer based on a plan from the district approved by the
87 commissioner of elementary and secondary education.

88 7. A school district may transfer unrestricted funds from the capital projects fund to the
89 incidental fund in any year in which that year's June thirtieth combined incidental and teachers'
90 funds unrestricted balance compared to the combined incidental and teachers' funds expenditures
91 would be less than ten percent without such transfer.

92 **8. The transfer limitations of subdivision (5) of subsection 4 of this section are**
93 **waived for the 2009-2010 and 2010-2011 school years to allow the district flexibility as it**
94 **expends money from the American Recovery and Reinvestment Act of 2009 limited to**
95 **funds received from such act, provided that transfer amounts in excess of current year**
96 **obligations of the capital projects fund authorized under subdivision (5) of subsection 4 of**
97 **this section may be transferred only by a resolution of the school board approved by a**
98 **majority of the board members in office when the resolution is voted on and identifying the**
99 **specific capital projects to be funded directly by the district by the transferred funds and**
100 **an estimated expenditure date.**

167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the
2 **"Foster Care Education Bill of Rights".**

3 **2. Each school district shall designate a staff person as the educational liaison for**
4 **foster care children. The liaison shall do all of the following in an advisory capacity:**

5 **(1) Ensure and facilitate the proper educational placement, enrollment in school,**
6 **and checkout from school of foster children;**

7 **(2) Assist foster care pupils when transferring from one school to another or from**
8 **one school district to another, by ensuring proper transfer of credits, records, and grades;**

9 **(3) Request school records, as provided in section 167.022, within two business days**
10 **of placement of a foster care pupil in a school; and**

11 **(4) Submit school records of foster care pupils within three business days of**
12 **receiving a request for school records, under subdivision (3) of this subsection.**

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall
2 **promote educational stability for foster care children by considering the child's school**
3 **attendance area when making placement decisions. The foster care pupil shall have the**
4 **right to remain enrolled in and attend his or her school of origin pending resolution of**
5 **school placement disputes.**

6 **2. Each school district shall accept for credit full or partial course work**
7 **satisfactorily completed by a pupil while attending a public school, nonpublic school, or**
8 **nonsectarian school in accordance with district policies or regulations.**

9 **3. If a pupil completes the graduation requirements of his or her school district of**
10 **residence while under the jurisdiction of the juvenile court as described in chapter 211,**
11 **RSMo, the school district of residence shall issue a diploma to the pupil.**

12 **4. School districts shall ensure that if a pupil in foster care is absent from school**
13 **due to a decision to change the placement of a pupil made by a court or child placing**
14 **agency, or due to a verified court appearance or related court-ordered activity, the grades**
15 **and credits of the pupil shall be calculated as of the date the pupil left school, and no**
16 **lowering of his or her grades shall occur as a result of the absence of the pupil under these**
17 **circumstances.**

18 **5. School districts, subject to federal law, shall be authorized to permit access of**
19 **pupil school records to any child placing agency for the purpose of fulfilling educational**
20 **case management responsibilities required by the juvenile officer or by law and to assist**
21 **with the school transfer or placement of a pupil.**

22 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
23 **that is created under the authority delegated in this section shall become effective only if**
24 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
25 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
26 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
27 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
28 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
29 **adopted after August 28, 2009, shall be invalid and void.**

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 **or custody of a child not enrolled in a public, private, parochial, parish school or full-time**
3 **equivalent attendance in a combination of such schools and between the ages of seven years and**
4 **the compulsory attendance age for the district is responsible for enrolling the child in a program**
5 **of academic instruction which complies with subsection 2 of this section. Any parent, guardian**

6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section. A parent, guardian or other person in this state having charge,
11 control, or custody of a child between the ages of seven years of age and the compulsory
12 attendance age for the district shall cause the child to attend regularly some public, private,
13 parochial, parish, home school or a combination of such schools not less than the entire school
14 term of the school which the child attends; except that:

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

25 (3) A child between five and seven years of age shall be excused from attendance at
26 school if a parent, guardian or other person having charge, control or custody of the child makes
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

30 (a) Has as its primary purpose the provision of private or religious-based instruction;

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
32 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction.

36 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
37 otherwise provided in this subsection:

38 (a) Maintain the following records:

39 a. A plan book, diary, or other written record indicating subjects taught and activities
40 engaged in; and

41 b. A portfolio of samples of the child's academic work; and

- 42 c. A record of evaluations of the child's academic progress; or
43 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and
44 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
45 will be in reading, language arts, mathematics, social studies and science or academic courses
46 that are related to the aforementioned subject areas and consonant with the pupil's age and
47 ability. At least four hundred of the six hundred hours shall occur at the regular home school
48 location.
- 49 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
50 above the age of sixteen years.
- 51 3. Nothing in this section shall require a private, parochial, parish or home school to
52 include in its curriculum any concept, topic, or practice in conflict with the school's religious
53 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
54 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
55 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
56 regulation or other device any statewide curriculum for private, parochial, parish or home
57 schools.
- 58 4. A school year begins on the first day of July and ends on the thirtieth day of June
59 following.
- 60 5. The production by a parent of a daily log showing that a home school has a course of
61 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
62 of sixteen years who attended a metropolitan school district the previous year, a written
63 statement that the pupil is attending home school in compliance with this section shall be a
64 defense to any prosecution under this section and to any charge or action for educational neglect
65 brought pursuant to chapter 210, RSMo.
- 66 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
67 district" shall mean:
- 68 (1) Seventeen years of age for any metropolitan school district for which the school
69 board adopts a resolution to establish such compulsory attendance age; provided that such
70 resolution shall take effect no earlier than the school year next following the school year during
71 which the resolution is adopted; and
- 72 (2) [Sixteen years of age] **Having successfully completed sixteen credits towards high**
73 **school graduation** in all other cases. The school board of a metropolitan school district for
74 which the compulsory attendance age is seventeen years may adopt a resolution to lower the
75 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
76 earlier than the school year next following the school year during which the resolution is
77 adopted.

167.720. 1. As used in this section, the following terms shall mean:

2 **(1) "Moderate physical activity," low to medium impact physical exertion designed**
3 **to increase an individual's heart rate to rise to at least seventy-five percent of his or her**
4 **maximum heart rate. Activities in this category may include, but are not limited to,**
5 **running, calisthenics, aerobic exercise, etc.;**

6 **(2) "Physical education," instruction in healthy active living by a teacher**
7 **certificated to teach physical education structured in such a way that it is a regularly**
8 **scheduled class for students;**

9 **(3) "Recess," a structured play environment outside of regular classroom**
10 **instructional activities, where students are allowed to engage in supervised safe active free**
11 **play.**

12 **2. Beginning with the school year 2010-2011:**

13 **(1) School districts shall ensure that students in elementary schools participate in**
14 **moderate physical activity for the entire school year, including students in alternative**
15 **education programs. Students in the elementary schools shall participate in moderate**
16 **physical activity for an average of one hundred fifty minutes per five-day school week, or**
17 **an average of thirty minutes per day. Students with disabilities shall participate in**
18 **moderate physical activity to the extent appropriate as determined by the provisions of the**
19 **Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act.**

20 **(2) Each year the commissioner of education shall select for recognition students,**
21 **schools and school districts that are considered to have achieved improvement in fitness.**

22 **(3) Students in middle schools may at the school's discretion participate in at least**
23 **two hundred twenty-five minutes of physical activity per school week.**

24 **(4) A minimum of one recess period of twenty minutes per day shall be provided**
25 **for children in elementary schools, which may be incorporated into the lunch period.**

26

27 **Any requirement of this section above the state minimum physical education requirement**
28 **may be met by additional physical education instruction, or by other activities approved**
29 **by the individual school district under the direction of any certificated teacher or**
30 **administrator or other school employee under the supervision of a certificated teacher or**
31 **administrator.**

168.133. 1. The school district shall ensure that a criminal background check is
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils
3 and prior to the individual having contact with any pupil. Such persons include, but are not
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,
5 cooks, and nurses. The school district shall also ensure that a criminal background check is

6 conducted for school bus drivers. The district may allow such drivers to operate buses pending
7 the result of the criminal background check. For bus drivers, the background check shall be
8 conducted on drivers employed by the school district or employed by a pupil transportation
9 company under contract with the school district.

10 2. In order to facilitate the criminal history background check on any person employed
11 after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to
12 standards determined by the Missouri highway patrol. One set of fingerprints shall be used by
13 the highway patrol to search the criminal history repository and the family care safety registry
14 pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the
15 Federal Bureau of Investigation for searching the federal criminal history files.

16 3. The applicant shall pay the fee for the state criminal history record information
17 pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the
18 appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history
19 record when he or she applies for a position authorized to have contact with pupils pursuant to
20 this section. The department shall distribute the fees collected for the state and federal criminal
21 histories to the Missouri highway patrol.

22 4. The school district may adopt a policy to provide for reimbursement of expenses
23 incurred by an employee for state and federal criminal history information pursuant to section
24 43.530, RSMo.

25 5. If, as a result of the criminal history background check mandated by this section, it is
26 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or
27 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
28 similar crime or offense committed in another state, the United States, or any other country,
29 regardless of imposition of sentence, such information shall be reported to the department of
30 elementary and secondary education.

31 6. Any school official making a report to the department of elementary and secondary
32 education in conformity with this section shall not be subject to civil liability for such action.

33 7. For any teacher who is employed by a school district on a substitute or part-time basis
34 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
35 not require such teacher to be subject to any additional background checks prior to having
36 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
37 restricting a school district from requiring additional background checks for such teachers
38 employed by the school district.

39 8. **A criminal background check and fingerprint collection conducted under**
40 **subsections 1 and 2 of this section shall be valid for at least a period of one year and**

41 **transferrable from one school district to another district. A teacher's change in type of**
42 **certification shall have no effect on the transferability or validity of such records.**

43 **9.** Nothing in this section shall be construed to alter the standards for suspension, denial,
44 or revocation of a certificate issued pursuant to this chapter.

45 [9.] **10.** The state board of education may promulgate rules for criminal history
46 background checks made pursuant to this section. Any rule or portion of a rule, as that term is
47 defined in section 536.010, RSMo, that is created under the authority delegated in this section
48 shall become effective only if it complies with and is subject to all of the provisions of chapter
49 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
50 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
51 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
52 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
53 or adopted after January 1, 2005, shall be invalid and void.

168.185. 1. Beginning with school year 2010-2011, all persons appointed prior to
2 **August 28, 2009, by public or private school districts receiving funding through the**
3 **national school lunch program to serve as school food service directors or as persons**
4 **responsible for school menu planning, including contracted vendors, shall become**
5 **credentialed and maintain such credentials as school food service and nutrition specialists**
6 **or certified by a level 1 certificate issued by the Missouri school nutrition association prior**
7 **to the beginning of school year 2012-2013.**

8 **2. Beginning with school year 2010-2011, all persons appointed after August 28,**
9 **2009, by public or private school districts receiving funding through the national school**
10 **lunch program to serve as school food service directors or as persons responsible for school**
11 **menu planning, including contracted vendors, shall become credentialed, and maintain**
12 **such credentials, as school food service and nutrition specialists or certified by a level 1**
13 **certificate issued by the Missouri school nutrition association within two years of his or her**
14 **appointment.**

168.251. 1. All employees of a metropolitan school district shall be appointed and
2 promoted under rules and regulations prescribed by the board of education of the school district.
3 The rules shall be complementary to the provisions of sections 168.251 to 168.291 as to the
4 removal, discharge, suspension without pay or demotion of permanent employees and not in
5 derogation thereof. The word "employee" or "employees" as used in this section means all
6 employees, male or female, except certificated employees.

7 **2.** All appointments and promotions of noncertificated employees shall be made in the
8 case of appointment by examination, and in case of promotion by length and character of service.

9 Examinations for appointments shall be conducted by the director of personnel under regulations
10 to be made by the board.

11 **3. Sections 168.251 to 168.291 shall not apply to employees hired after August 28,**
12 **2009.**

170.400. Any and all equipment and educational materials necessary for successful
2 **participation in supplemental educational services programming shall not be deemed an**
3 **incentive for the purposes of compliance with department of elementary and secondary**
4 **education rules and regulations for supplemental educational services provider**
5 **certification. The department of elementary and secondary education shall not prohibit**
6 **providers of supplemental and educational services from allowing students to retain**
7 **instructional equipment, including computers, used by them upon successful completion**
8 **of supplemental and educational services.**

171.029. 1. The school board of any school district in the state, upon adoption of
2 **a resolution by the vote of a majority of all its members to authorize such action, may**
3 **establish a four-day school week in lieu of a five-day school week. Upon adoption of a**
4 **four-day school week, any school that adopts a four-day school week shall file a calendar**
5 **with the department of elementary and secondary education in accordance with section**
6 **171.031. Such calendar shall include, but not be limited to, a minimum term of one**
7 **hundred forty-two days and one thousand forty-four hours of actual pupil attendance.**

8 **2. If a school district that attends less than one hundred seventy-four days meets**
9 **at least two fewer performance standards on two successive annual performance reports**
10 **than it met on its last annual performance report received prior to implementing a**
11 **calendar year of less than one hundred seventy-four days, it shall be required to revert to**
12 **a one hundred seventy-four day school year in the school year following the report of the**
13 **drop in the number of performance standards met. When the number of performance**
14 **standards met reaches the earlier number, the district may return to the four-day week in**
15 **the next school year.**

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 **specifying the opening date and providing a minimum term of at least one hundred seventy-four**
3 **days for schools with a five-day school week or one hundred forty-two school days for**
4 **schools with a four-day school week, and one thousand forty-four hours of actual pupil**
5 **attendance. In addition, such calendar shall include six make-up days for possible loss of**
6 **attendance due to inclement weather as defined in subsection 1 of section 171.033.**

7 **2. Each local school district may set its opening date each year, which date shall be no**
8 **earlier than ten calendar days prior to the first Monday in September. No public school district**

9 shall select an earlier start date unless the district follows the procedure set forth in subsection
10 3 of this section.

11 3. A district may set an opening date that is more than ten calendar days prior to the first
12 Monday in September only if the local school board first gives public notice of a public meeting
13 to discuss the proposal of opening school on a date more than ten days prior to the first Monday
14 in September, and the local school board holds said meeting and, at the same public meeting, a
15 majority of the board votes to allow an earlier opening date. If all of the previous conditions are
16 met, the district may set its opening date more than ten calendar days prior to the first Monday
17 in September. The condition provided in this subsection must be satisfied by the local school
18 board each year that the board proposes an opening date more than ten days before the first
19 Monday in September.

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

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

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

30 7. No school day **for schools with a five-day school week** shall be longer than seven
31 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
32 district and a school district in a first class county adjacent to a city not within a county, **and any**
33 **school that adopts a four-day school week in accordance with section 171.029.**

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or canceled due
4 to inclement weather and half the number of days lost or canceled in excess of six days **if the**
5 **makeup of the days is necessary to ensure that the district's students will attend a**
6 **minimum of one hundred forty-two days and a minimum of one thousand forty-four hours**
7 **for the school year. Schools with a four-day school week may schedule such make-up days**
8 **on Fridays.**

9 3. [In the 2005-06 school year, a school district may be exempt from the requirement to
10 make up days of school lost or canceled due to inclement weather occurring after April 1, 2006,
11 in the school district, but such reduction of the minimum number of school days shall not exceed

12 five days when a district has missed more than seven days overall, such reduction to be taken as
13 follows: one day for eight days missed, two days for nine days missed, three days for ten days
14 missed, four days for eleven days missed, and five days for twelve or more days missed. The
15 requirement for scheduling two-thirds of the missed days into the next year's calendar pursuant
16 to subsection 1 of this section shall be waived for the 2006-07 school year.] **In the 2008-09**
17 **school year and subsequent years a school district may be exempt from the requirement**
18 **to make up days of school lost or canceled due to inclement weather in the school district**
19 **when the school district has made up the six days required under subsection 2 of this**
20 **section and half the number of additional lost or canceled days up to eight days, resulting**
21 **in no more than ten total make-up days required by this section.**

22 4. The commissioner of education may provide, for any school district in which schools
23 are in session for twelve months of each calendar year that cannot meet the minimum school
24 calendar requirement of at least one hundred seventy-four days **for schools with a five-day**
25 **school week or one hundred forty-two days for schools with a four-day school week** and one
26 thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from
27 such requirement. This waiver shall be requested from the commissioner of education and may
28 be granted if the school was closed due to circumstances beyond school district control,
29 including inclement weather, flooding or fire.

172.360. 1. All youths, resident of the state of Missouri, shall be admitted to all the
2 privileges and advantages of the various classes of all the departments of the University of the
3 State of Missouri; provided, that each applicant for admission therein shall possess such
4 scholastic attainments and mental and moral qualifications as shall be prescribed in rules adopted
5 and established by the board of curators; **provided that aliens unlawfully present in the**
6 **United States shall not be eligible for enrollment in the university;** and provided further, that
7 the board of curators may charge and collect reasonable tuition and other fees necessary for the
8 maintenance and operation of all departments of the university, as they may deem necessary.

9 **2. Prior to approval of any appropriations by the general assembly for the**
10 **University of Missouri, the department of higher education shall annually certify to the**
11 **education appropriations committee of the house of representatives and the appropriations**
12 **committee of the senate that each campus of the University of Missouri has not knowingly**
13 **enrolled any aliens unlawfully present in the United States in the preceding year.**

173.250. 1. There is hereby established a "Higher Education Academic Scholarship
2 Program" and any moneys appropriated by the general assembly for this program shall be used
3 to provide scholarships for Missouri citizens to attend a Missouri college or university of their
4 choice pursuant to the provisions of this section.

5 2. The definitions of terms set forth in section [173.205] **173.1102** shall be applicable
6 to such terms as used in this section. [The term "academic scholarship" means an amount of
7 money paid by the state of Missouri to a qualified college or university student who has
8 demonstrated superior academic achievement pursuant to the provisions of this section.] **In**
9 **addition, the following definitions shall apply:**

10 **(1) "Academic scholarship", an amount of money paid by the state of Missouri to**
11 **a student pursuant to the provisions of this section;**

12 **(2) "ACT", the American College Testing Program examination;**

13 **(3) "Approved institution", an approved public or approved private institution as**
14 **defined in section 173.1102;**

15 **(4) "Eligible student", an individual who meets the criteria set forth in section**
16 **173.1104, excluding the requirements of financial need and undergraduate status, and in**
17 **addition, meets the following requirements:**

18 **(a) Has achieved a qualifying score on the ACT or SAT;**

19 **(b) Is a Missouri resident who has completed secondary course work through**
20 **graduation from high school, receipt of a general education development diploma (GED),**
21 **or completion of a program of study through homeschooling; and**

22 **(c) Is enrolled full-time or accepted for full-time enrollment as a postsecondary**
23 **student at an approved institution during the academic year immediately following the**
24 **completion of his or her secondary course work;**

25 **(5) "Missouri test-takers", all Missouri high school seniors who take the ACT or**
26 **the SAT;**

27 **(6) "Qualifying score", a composite score on the ACT or the SAT achieved as a**
28 **high school sophomore, junior, or senior, that is in the top three percent of Missouri**
29 **test-takers for fiscal years prior to 2011, and five percent of Missouri test-takers for fiscal**
30 **year 2011 and each fiscal year thereafter, as established at the beginning of an eligible**
31 **student's final year of secondary course work;**

32 **(7) "Recipient", an eligible or renewal student who receives an academic**
33 **scholarship under this section;**

34 **(8) "Renewal student", an eligible student who remains in compliance with the**
35 **provisions of section 173.1104, maintains continuous enrollment, and makes satisfactory**
36 **academic degree progress;**

37 **(9) "SAT", the Scholastic Aptitude Test.**

38 3. The coordinating board for higher education shall be the administrative agency for the
39 implementation of the program established by this section, and shall:

40 (1) Promulgate reasonable rules and regulations for the exercise of its functions and the
41 effectuation of the purposes of this section, including regulations for granting scholarship
42 deferments;

43 (2) Prescribe the form and the time and method of awarding academic scholarships, and
44 shall supervise the processing thereof; and

45 (3) Select qualified recipients to receive academic scholarships, make such awards of
46 academic scholarships to qualified recipients and determine the manner and method of payment
47 to the recipient.

48 4. [A student shall be eligible for initial or renewed academic scholarship if he or she is
49 in compliance with the eligibility requirements set forth in section 173.215 excluding the
50 requirement of financial need and undergraduate status, and in addition meets the following
51 requirements:

52 (1) Initial academic scholarships shall be offered in the academic year immediately
53 following graduation from high school to Missouri high school seniors whose composite scores
54 on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the
55 College Board are in the top five percent of all Missouri students taking those tests during the
56 school year in which the scholarship recipients graduate from high school. In the freshman year
57 of college, scholarship recipients are required to maintain status as a full-time student;

58 (2) Academic scholarships are renewable if the recipient remains in compliance with the
59 applicable provisions of section 173.215 and the recipient makes satisfactory academic degree
60 progress as a full-time student.

61 5. A student who is enrolled or has been accepted for enrollment as a postsecondary
62 student at an approved private or public institution beginning with the fall 1987, term and who
63 meets the other eligibility requirements for an academic scholarship shall, within the limits of
64 the funds appropriated and made available, be offered an academic scholarship in the amount of
65 two thousand dollars for each eligible student whose composite scores on the American College
66 Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the
67 top three percent of all Missouri students taking those tests during the school year in which the
68 scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011,
69 and, subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year
70 thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each
71 eligible student whose composite scores on the American College Testing Program (ACT) or the
72 Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent
73 of all Missouri students taking those tests during the school year in which the scholarship
74 recipients graduate from high school, for the first academic year of study, which scholarship shall
75 be renewable in the amount of two thousand dollars for each eligible student whose composite

76 scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT)
77 of the College Board are in the top three percent of all Missouri students taking those tests during
78 the school year in which the scholarship recipients graduate from high school for each fiscal year
79 prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year
80 2011 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every
81 fiscal year thereafter for each eligible student whose composite scores on the American College
82 Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between
83 the top five and three percent of all Missouri students taking those tests during the school year
84 in which the scholarship recipients graduate from high school, annually for the second, third and
85 fourth academic years or as long as the recipient is in compliance with the applicable eligibility
86 requirements set forth in section 173.215, provided those years of study are continuous and the
87 student continues to meet eligibility requirements for the scholarship; provided, however, if a
88 recipient ceases all attendance at an approved public or private institution for the purpose of
89 providing service to a nonprofit organization, a state or federal government agency or any branch
90 of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship
91 upon return to any approved public or private institution, provided the recipient:

- 92 (1) Returns to full-time status within twenty-seven months;
- 93 (2) Provides verification in compliance with coordinating board for higher education
94 rules that the service to the nonprofit organization was satisfactorily completed and was not
95 compensated other than for expenses or that the service to the state or federal governmental
96 agency or branch of the armed forces of the United States was satisfactorily completed; and
- 97 (3) Meets all other requirements established for eligibility to receive a renewal
98 scholarship.

99 **6.] Eligible students shall be offered academic scholarships in the following**
100 **amounts, within the limits of the funds appropriated and made available:**

101 (1) **During each fiscal year prior to fiscal year 2011, each eligible student with a**
102 **qualifying score in the top three percent of all Missouri test-takers shall be offered an**
103 **academic scholarship in the amount of two thousand dollars per year;**

104 (2) **During fiscal year 2011 and each fiscal year thereafter:**

105 (a) **Each eligible student with a qualifying score in the top three percent of all**
106 **Missouri test-takers shall be offered an academic scholarship in the amount of three**
107 **thousand dollars per year; and**

108 (b) **Each eligible student with a qualifying score in the top five percent shall be**
109 **offered an academic scholarship in the amount of one thousand dollars per year;**

110 (3) Eligible students may renew academic scholarships for their second, third, and
111 fourth years of postsecondary education, or as long as the recipient is in compliance with
112 the criteria to be a renewal student;

113 (4) If an eligible student is unable to enroll during the first academic year or a
114 renewal student ceases attendance at an approved institution for the purpose of providing
115 service to a nonprofit organization, a state or federal government agency, or any branch
116 of the armed forces of the United States, such student shall be offered an academic
117 scholarship upon enrollment in any approved institution after the completion of their
118 service, if the student meets all other requirements for an initial or renewal award and if
119 the following criteria are met:

120 (a) For an eligible student who cannot attend an approved institution as a result
121 of service to a nonprofit organization or the state or federal government, the student
122 returns to full-time status within twenty-seven months and provides verification to the
123 coordinating board for higher education that the service to the nonprofit organization was
124 satisfactorily completed and was not compensated other than for expenses, or that the
125 service to the state or federal government was satisfactorily completed; or

126 (b) For an eligible student who cannot attend an approved institution as a result
127 of military service in the armed forces of the United States, the student returns to full-time
128 status within six months after the eligible student first ceases service to the armed forces
129 and provides verification to the coordinating board for higher education that the military
130 service was satisfactorily completed.

131 5. A recipient of **an** academic scholarship awarded under this section may transfer from
132 one approved [Missouri public or private] institution to another without losing eligibility for the
133 **academic** scholarship.

134 6. If a recipient of [the] **an academic** scholarship at any time withdraws from an
135 approved [private or public] institution so that under the rules and regulations of that institution
136 he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the
137 portion of the refund attributable to the **academic** scholarship for that term to the coordinating
138 board for higher education.

139 7. Other provisions of this section to the contrary notwithstanding, if [a recipient] **an**
140 **eligible student** has been awarded an initial academic scholarship pursuant to the provisions of
141 this section but is unable to [use the scholarship] **attend an approved institution** during the first
142 academic year because of illness, disability, pregnancy or other medical need or if a [recipient]
143 **renewal student** ceases all attendance at an approved [public or private] institution because of
144 illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial

145 or renewal **academic** scholarship upon enrollment in or return to any approved [public or
146 private] institution, provided the recipient:

147 (1) Enrolls in or returns to full-time status within twenty-seven months;

148 (2) Provides verification in compliance with coordinating board for higher education
149 rules of sufficient medical evidence documenting an illness, disability, pregnancy or other
150 medical need of such person to require that that person will not be able to use the [initial or
151 renewal] **academic** scholarship during the time period for which it was originally offered; and

152 (3) Meets all other requirements established for eligibility to receive an [initial or a
153 renewal] **academic** scholarship.

**173.268. 1. There is hereby established within the department of higher education
2 the "Missouri Promise Program" to be administered by the commissioner of higher
3 education.**

4 2. For the purposes of subsection 3 of this section:

5 (1) "Average tuition" shall be the sum of the tuition amounts for the academic year
6 in which the scholarships shall be granted for any approved public institution that meets
7 the conditions set forth in subdivision (3) of section 173.1102 and in addition offers
8 baccalaureate degrees, divided by the number of such institutions;

9 (2) "Tuition" shall have the definition ascribed to under subsection 7 of section
10 **173.1003.**

11 **3. For the academic year 2009-2010 and subsequent years, the commissioner of**
12 **higher education shall, by rule and regulation promulgated by the coordinating board for**
13 **higher education, establish a procedure for the provision of scholarships, provided that**
14 **scholarships for all qualified students under subsection 3 of section 160.545, RSMo, are**
15 **fully funded. The amount of scholarships under this subsection shall not exceed the lesser**
16 **of either the tuition for the relevant student or the average tuition to any approved public**
17 **institution that meets the conditions set forth in subdivision (3) of section 173.1102, and in**
18 **addition offers baccalaureate degrees. The amount of each scholarship shall be reduced**
19 **by the amount of a student's award or awards from all available state and federal**
20 **postsecondary student financial assistance funds that do not require repayment. All**
21 **scholarships under this subsection shall be subject to appropriation.**

22 **4. Scholarships shall be awarded to any student who has:**

23 (1) Received a payment under subsection 3 of section 160.545, RSMo;

24 (2) Completed an associate of arts degree, an associate's degree that contains the
25 forty-two-hour general education block, or an associate's degree in a program that is part
26 of an articulation agreement recognized by the coordinating board for higher education

27 and enrolls in an approved public institution under subsection 3 of this section within nine
28 months of completing the associate's degree described in this subdivision;

29 (3) Received a scholarship under subsection 3 of this section for no more than six
30 semesters;

31 (4) Made a good faith effort to first secure all available federal and state sources
32 of nonrepayable financial assistance that could be applied to the student's tuition and fees;

33 (5) Maintained a record of good citizenship and avoidance of the unlawful use of
34 drugs and alcohol;

35 (6) Maintained full-time enrollment; and

36 (7) Maintained a grade point average of three points or higher on a four-point
37 scale, or its equivalent on another scale, during the student's enrollment while receiving
38 a scholarship under the provisions of subsection 3 of this section.

39 5. In the event a student receiving a scholarship under subsection 3 of this section
40 has a cumulative grade point average that falls below three points on a four-point scale or
41 the equivalent on another scale at the end of a semester, the student shall be granted a
42 one-semester grace period from the grade point requirement of subdivision (6) of
43 subsection 4 of this section. If the student's grades in the subsequent semester are
44 insufficient to raise the student's cumulative average to three points or more on a
45 four-point scale or the equivalent on another scale, the student shall lose eligibility for the
46 program established under subsection 3 of this section.

47 6. If appropriated funds are insufficient to fund all eligible students, the
48 department shall adjust scholarship amounts. Scholarships under subsection 3 of section
49 160.545, RSMo, shall be fully funded prior to any scholarships being distributed under
50 subdivision (2) of this subsection. Scholarships shall be distributed in the following
51 priority:

52 (1) Students eligible for scholarships under subsection 3 of section 160.545, RSMo.
53 If appropriated funds are insufficient to fund all students eligible under subsection 3 of
54 section 160.545, RSMo, scholarship amounts shall be reduced equally for all such students,
55 following the order of priority in subsection 8 of section 160.545, RSMo;

56 (2) Students eligible for scholarships under subsection 3 of this section. If
57 appropriated funds are insufficient to fund all students eligible under subsection 3 of this
58 section, scholarship amounts shall be reduced equally for all such students.

59 7. The commissioner of higher education shall develop a procedure for evaluating
60 the effectiveness of the program described in this section. Such evaluation shall be
61 conducted every two years with the results of the evaluation provided to the governor,
62 speaker of the house of representatives, and president pro tempore of the senate.

63 **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
64 **that is created under the authority delegated in this section shall become effective only if**
65 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
66 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
67 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
68 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
69 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
70 **adopted after August 28, 2009, shall be invalid and void.**

173.754. 1. It is unlawful for a person to knowingly use or attempt to use, in
2 **connection with admission to any institution of higher education or in connection with any**
3 **business, employment, occupation, profession, trade, or public office:**

4 **(1) A false or misleading degree from any institution of higher education, regardless**
5 **of whether that institution is located in Missouri and regardless of whether the institution**
6 **has been issued a certificate of approval or temporary certificate of approval by the board;**
7 **or**

8 **(2) A degree from any institution of higher education in a false or misleading**
9 **manner, regardless of whether that institution is located in Missouri and regardless of**
10 **whether the institution has been issued a certificate of approval or temporary certificate**
11 **of approval by the board.**

12 **2. For the purposes of this section, a degree is false or misleading or is used in a**
13 **false or misleading manner if it:**

14 **(1) States or suggests that the person named in the degree has completed the**
15 **requirements of an academic or professional program of study in a particular field of**
16 **endeavor beyond the secondary school level and the person has not, in fact, completed the**
17 **requirements of the program of study;**

18 **(2) Is offered as his or her own by a person other than the person who completed**
19 **the requirements of the program of study; or**

20 **(3) Is awarded, bestowed, conferred, given, granted, conveyed, or sold in violation**
21 **of this chapter.**

22 **3. The penalty for a violation of this section shall be a class C misdemeanor.**

173.1110. 1. No covered student unlawfully present in the United States shall
2 **receive a postsecondary education public benefit. Educational institutions awarding**
3 **postsecondary education public benefits to covered students shall verify that these students**
4 **are United States citizens, permanent residents, or lawfully present in the United States.**

5 **2. The following documents, in hard copy or electronic form, may be used to**
6 **document that a covered student is a United States citizen, permanent resident, or is**
7 **lawfully present in the United States:**

8 **(1) The Free Application for Student Aid Institutional Student Information**
9 **Record;**

10 **(2) A state-issued driver's license;**

11 **(3) A state-issued nondriver's identification card;**

12 **(4) Documentary evidence recognized by the department of revenue when**
13 **processing an application for a driver's license or nondriver's identification card;**

14 **(5) A United States birth certificate;**

15 **(6) A United States military identification card; or**

16 **(7) Any document issued by the federal government that confirms an alien's lawful**
17 **presence in the United States.**

18 **3. All postsecondary higher education institutions shall annually certify to the**
19 **department of higher education that they have not knowingly awarded a postsecondary**
20 **education public benefit to a covered student who is unlawfully present in the United**
21 **States.**

22 **4. As used in this section, the following terms shall mean:**

23 **(1) "Covered student", a student eighteen years of age or older, who has graduated**
24 **from high school and is attending classes on the campus of a postsecondary educational**
25 **institution during regularly scheduled academic sessions;**

26 **(2) "Postsecondary education public benefit", institutional financial aid awarded**
27 **by public postsecondary educational institutions and state-administered postsecondary**
28 **grants and scholarships awarded by all postsecondary educational institutions to covered**
29 **students.**

174.130. **1. Each board may make such rules and regulations for the admission of**
2 **students as may be deemed proper; provided that aliens unlawfully present in the United**
3 **States shall not be eligible for enrollment in the university or college.**

4 **2. Prior to approval of any appropriations by the general assembly for the**
5 **university or college, the department of higher education shall annually certify to the**
6 **education appropriations committee of the house of representatives and the appropriations**
7 **committee of the senate that each university or college has not knowingly enrolled any**
8 **aliens unlawfully present in the United States in the preceding year.**

175.025. **1. The board of curators of Lincoln University may make such rules and**
2 **regulations for the admission of students as it may be deemed proper; provided that aliens**
3 **unlawfully present in the United States shall not be eligible for enrollment in the university.**

4 **2. Prior to approval of any appropriations by the general assembly for the**
5 **university, the department of higher education shall annually certify to the education**
6 **appropriations committee of the house of representatives and the appropriations**
7 **committee of the senate that the university has not knowingly enrolled any aliens**
8 **unlawfully present in the United States in the preceding year.**

178.635. 1. The board of regents of Linn State Technical College shall organize in the
2 manner provided by law for the board of curators of the University of Missouri. The powers,
3 duties, authority, responsibilities, privileges, immunities, liabilities and compensation of the
4 board of Linn State Technical College in regard to Linn State Technical College shall be the
5 same as those prescribed by statute for the board of curators of the University of Missouri in
6 regard to the University of Missouri, except that Linn State Technical College shall be operated
7 only as a state technical college. Nothing in this section shall be construed to authorize Linn
8 State Technical College to become a community college or a university offering four-year or
9 graduate degrees.

2. All lawful bonded indebtedness incurred by the issuance of revenue bonds, as defined
11 in section 176.010, RSMo, by Linn Technical College, shall be deemed to be an indebtedness
12 of the board of regents of Linn State Technical College after the date upon which the conditions
13 of section 178.631 are met. Such indebtedness shall be retired through tuition revenues.

14 **3. The board of regents may make such rules and regulations for the admission of**
15 **students as it may be deemed proper; provided that aliens unlawfully present in the United**
16 **States shall not be eligible for enrollment in Linn State Technical College.**

17 **4. Prior to approval of any appropriations by the general assembly for Linn State**
18 **Technical College, the department of higher education shall annually certify to the**
19 **education appropriations committee of the house of representatives and the appropriations**
20 **committee of the senate that the college has not knowingly enrolled any aliens unlawfully**
21 **present in the United States in the preceding year.**

178.780. 1. Tax supported community colleges formed prior to October 13, 1961, and
2 those formed under the provisions of sections 178.770 to 178.890 shall be under the supervision
3 of the coordinating board for higher education.

4 2. The coordinating board for higher education shall:

5 (1) Establish the role of the two-year college in the state;

6 (2) Set up a survey form to be used for local surveys of need and potential for two-year
7 colleges; provide supervision in the conducting of surveys; require that the results of the studies
8 be used in reviewing applications for approval; and establish and use the survey results to set up
9 priorities;

10 (3) Require that the initiative to establish two-year colleges come from the area to be
11 served;

12 (4) Administer the state financial support program;

13 (5) Supervise the community college districts formed under the provisions of sections
14 178.770 to 178.890 and the community colleges now in existence and formed prior to October
15 13, 1961;

16 (6) Formulate and put into effect uniform policies as to budgeting, record keeping, and
17 student accounting;

18 (7) Establish uniform minimum entrance requirements and uniform curricular offerings
19 for all community colleges **and ensure that aliens unlawfully present in the United States are**
20 **not eligible for enrollment in any community college;**

21 (8) Make a continuing study of community college education in the state; and

22 (9) Be responsible for the accreditation of each community college under its supervision.
23 Accreditation shall be conducted annually or as often as deemed advisable and made in a manner
24 consistent with rules and regulations established and applied uniformly to all community colleges
25 in the state. Standards for accreditation of community colleges shall be formulated with due
26 consideration given to curriculum offerings and entrance requirements of the University of
27 Missouri.

178.785. Prior to approval of any appropriations by the general assembly for a
2 **community college, the department of higher education shall annually certify to the**
3 **education appropriations committee of the house of representatives and the appropriations**
4 **committee of the senate that the community college has not knowingly enrolled any aliens**
5 **unlawfully present in the United States in the preceding year.**

208.009. 1. No alien unlawfully present in the United States shall receive any state or
2 local public benefit, except for state or local public benefits that may be offered under 8 U.S.C.
3 1621(b). Nothing in this section shall be construed to prohibit the rendering of emergency
4 medical care, prenatal care, services offering alternatives to abortion, emergency assistance, or
5 legal assistance to any person.

6 2. As used in this section, "public benefit" means any grant, contract, or loan provided
7 by an agency of state or local government; or any retirement, welfare, health, [postsecondary
8 education, state grants and scholarships,] disability, housing, or food assistance benefit under
9 which payments, assistance, credits, or reduced rates or fees are provided. The term "public
10 benefit" shall not include **postsecondary education public benefits as defined in section**
11 **173.1110, RSMo, or** unemployment benefits payable under chapter 288, RSMo. The
12 unemployment compensation program shall verify the lawful presence of an alien for the purpose
13 of determining eligibility for benefits in accordance with its own procedures.

14 3. In addition to providing proof of other eligibility requirements, at the time of
15 application for any state or local public benefit, an applicant who is eighteen years of age or older
16 shall provide affirmative proof that the applicant is a citizen or a permanent resident of the
17 United States or is lawfully present in the United States[, provided, however, that in the case of
18 state grants and scholarships, such proof shall be provided before the applicant receives any state
19 grant or scholarship]. Such affirmative proof shall include documentary evidence recognized
20 by the department of revenue when processing an application for a driver's license, a Missouri
21 driver's license, as well as any document issued by the federal government that confirms an
22 alien's lawful presence in the United States. In processing applications for public benefits, an
23 employee of an agency of state or local government shall not inquire about the legal status of a
24 custodial parent or guardian applying for a public benefit on behalf of his or her dependent child
25 who is a citizen or permanent resident of the United States.

26 4. An applicant who cannot provide the proof required under this section at the time of
27 application may alternatively sign an affidavit under oath, attesting to either United States
28 citizenship or classification by the United States as an alien lawfully admitted for permanent
29 residence, in order to receive temporary benefits or a temporary identification document as
30 provided in this section. The affidavit shall be on or consistent with forms prepared by the state
31 or local government agency administering the state or local public benefits and shall include the
32 applicant's Social Security number or any applicable federal identification number and an
33 explanation of the penalties under state law for obtaining public assistance benefits fraudulently.

34 5. An applicant who has provided the sworn affidavit required under subsection 4 of this
35 section is eligible to receive temporary public benefits as follows:

36 (1) For ninety days or until such time that it is determined that the applicant is not
37 lawfully present in the United States, whichever is earlier; or

38 (2) Indefinitely if the applicant provides a copy of a completed application for a birth
39 certificate that is pending in Missouri or some other state. An extension granted under this
40 subsection shall terminate upon the applicant's receipt of a birth certificate or a determination
41 that a birth certificate does not exist because the applicant is not a United States citizen.

42 6. An applicant who is an alien shall not receive any state or local public benefit unless
43 the alien's lawful presence in the United States is first verified by the federal government. State
44 and local agencies administering public benefits in this state shall cooperate with the United
45 States Department of Homeland Security in achieving verification of an alien's lawful presence
46 in the United States in furtherance of this section. The system utilized may include the
47 Systematic Alien Verification for Entitlements Program operated by the United States
48 Department of Homeland Security. **After an applicant's lawful presence in the United States**
49 **has been verified through the Systematic Alien Verification for Entitlements Program, no**

50 **additional verification is required within the same agency of the state or local government.**

51 7. The provisions of this section shall not be construed to require any nonprofit
52 organization [organized under] **duly registered with** the Internal Revenue [Code] **Service** to
53 enforce the provisions of this section, nor does it prohibit such an organization from providing
54 aid.

55 8. Any agency that administers public benefits shall provide assistance in obtaining
56 appropriate documentation to persons applying for public benefits who sign the affidavit required
57 by subsection 4 of this section stating they are eligible for such benefits but lack the documents
58 required under subsection 3 of this section.

**210.205. 1. Beginning September 1, 2009, the department of social services, in
2 collaboration with the departments of health and senior services, elementary and
3 secondary education, and mental health, shall develop a quality rating system for early
4 childhood and before- and after-school programs licensed by the department of health and
5 senior services that operate in this state. Such ratings shall be built upon Missouri's
6 current system of licensing and regulation. The base level of the rating system shall be
7 licensing and the highest level of the rating system shall include accreditation by a state or
8 nationally recognized accrediting agency. The department of social services shall utilize
9 the model from the existing Missouri quality rating system pilots developed by the
10 University of Missouri Center for Family Policy and Research, or any successor
11 organization, to establish this system.**

12 **2. The quality rating system shall:**

13 **(1) Provide information for consumers and parents to evaluate and select high
14 quality programs;**

15 **(2) Create an accountability system for policymakers and those who fund early
16 childhood and before- and after-school programs;**

17 **(3) Guide providers through a system of ever increasing levels of quality with
18 specific outcomes.**

19 **3. By July 1, 2014, subject to appropriations, all licensed facilities receiving direct
20 moneys and/or ongoing direct services to improve the quality of the program shall be rated
21 using the quality rating system established under this section. The quality rating system
22 shall be voluntary for all other licensed programs. As moneys are available, recruitment
23 efforts of programs shall be targeted to those serving high numbers of children receiving
24 child care assistance from the department of social services. The coordinating board for
25 early childhood, established under section 210.102, shall develop a plan for a tiered system
26 of reimbursement for child care subsidies based on the quality rating system established
27 under this section. By December 31, 2010, a proposed plan with recommendations for**

28 implementation of the reimbursement system shall be submitted to the general assembly.
29 The plan shall only become effective after passage of a concurrent resolution by the general
30 assembly authorizing the implementation of the plan.

31 4. (1) There is hereby created in the state treasury the "Quality Rating System
32 Program Improvement Fund", which shall consist of the following two subaccounts:

33 (a) A subaccount which shall consist of all gifts, donations, transfers, and bequests
34 to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
35 moneys remaining in such subaccount at the end of the biennium shall not revert to the
36 credit of the general revenue fund; and

37 (b) A subaccount which shall consist of all moneys appropriated to the fund. Any
38 moneys remaining in such subaccount at the end of the biennium shall revert to the credit
39 of the general revenue fund.

40 (2) The state treasurer shall be custodian of the fund. In accordance with sections
41 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon
42 appropriation, money in the fund shall be used solely for the administration of this section
43 to provide grants directly to licensed providers seeking assistance for quality improvements
44 based upon the quality rating or to community-based organizations assisting providers
45 with such improvements. The grants shall be awarded in such a manner to ensure
46 geographic diversity among the grantees and community-based organizations. The
47 department of social services shall administer the fund. Any moneys in the fund
48 designated for community-based organizations assisting providers shall be administered
49 by the department through a contract with a nongovernment organization or organizations
50 that will provide the quality improvement services of training and technical assistance
51 directly to programs statewide. Additionally, the department of social services shall
52 contract with a nongovernment organization to provide the grants that are disbursed
53 directly to programs for improvement. The nongovernment organization shall establish
54 a quality improvement panel to review grant applications and determine funding.
55 Members of the panel shall be early childhood and school-age professionals who apply to
56 and are recommended by the Missouri quality rating system state committee.

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

60 5. The department of social services, in collaboration with the departments of
61 health and senior services, elementary and secondary education, and mental health, shall
62 be responsible for:

63 (1) Collecting and distributing resource materials to educate the public and early
64 childhood and before- and after-school programs in Missouri about the quality rating
65 system established under this section;

66 (2) Developing and distributing educational materials, including but not limited to
67 brochures and other media as part of a comprehensive public relations campaign about
68 the useful and informational system of assessing the quality of child care and early
69 childhood programs in Missouri; and

70 (3) By December 31, 2014, having ratings available and posted on the Missouri
71 child care resource and referral network web site.

72 6. The department of social services shall promulgate rules to implement the
73 provisions of this section. Any rule or portion of a rule, as that term is defined in section
74 536.010, RSMo, that is created under the authority delegated in this section shall become
75 effective only if it complies with and is subject to all of the provisions of chapter 536,
76 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
77 nonseverable and if any of the powers vested with the general assembly pursuant to
78 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
79 are subsequently held unconstitutional, then the grant of rulemaking authority and any
80 rule proposed or adopted after August 28, 2009, shall be invalid and void.

81 7. For purposes of this section, the following terms shall mean:

82 (1) "Before- and after-school programs", programs that are center-, home-, or
83 school-based and providing services for elementary or middle school children during
84 nonschool hours;

85 (2) "Early childhood programs", programs that are either center- or home-based
86 and providing services for infants and toddlers, preschoolers, or elementary school-age
87 children.

88 8. Under section 23.253, RSMo, of the Missouri sunset act:

89 (1) The provisions of the new program authorized under this section shall
90 automatically sunset six years after the effective date of this section unless reauthorized by
91 an act of the general assembly; and

92 (2) If such program is reauthorized, the program authorized under this section
93 shall automatically sunset six years after the effective date of the reauthorization of this
94 section; and

95 (3) This section shall terminate on September first of the calendar year immediately
96 following the calendar year in which the program authorized under this section is sunset.

313.822. A tax is imposed on the adjusted gross receipts received from gambling games
2 authorized pursuant to sections 313.800 to 313.850 at the rate of twenty-one percent. The taxes

3 imposed by this section shall be returned to the commission in accordance with the commission's
4 rules and regulations who shall transfer such taxes to the director of revenue. All checks and
5 drafts remitted for payment of these taxes and fees shall be made payable to the director of
6 revenue. If the commission is not satisfied with the return or payment made by any licensee, it
7 is hereby authorized and empowered to make an assessment of the amount due based upon any
8 information within its possession or that shall come into its possession. Any licensee against
9 whom an assessment is made by the commission may petition for a reassessment. The request
10 for reassessment shall be made within twenty days from the date the assessment was mailed or
11 delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of
12 a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment
13 shall become final if a request for reassessment is not received by the commission within the
14 twenty days. Except as provided in this section, on and after April 29, 1993, all functions
15 incident to the administration, collection, enforcement, and operation of the tax imposed by
16 sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this
17 section.

18 (1) Each excursion gambling boat shall designate a city or county as its home dock. The
19 home dock city or county may enter into agreements with other cities or counties authorized
20 pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section.
21 The home dock city or county shall receive ten percent of the adjusted gross receipts tax
22 collections, as levied pursuant to this section, for use in providing services necessary for the
23 safety of the public visiting an excursion gambling boat. Such home dock city or county shall
24 annually submit to the commission a shared revenue agreement with any other city or county.
25 All moneys owed the home dock city or county shall be deposited and distributed to such city
26 or county in accordance with rules and regulations of the commission. All revenues provided
27 for in this section to be transferred to the governing body of any city not within a county and any
28 city with a population of over three hundred fifty thousand inhabitants shall not be considered
29 state funds and shall be deposited in such city's general revenue fund to be expended as provided
30 for in this section.

31 (2) The remaining amount of the adjusted gross receipts tax shall be deposited in the
32 state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created
33 in the state treasury. Moneys deposited in this fund shall be kept separate from the general
34 revenue fund as well as any other funds or accounts in the state treasury, shall be used solely for
35 education pursuant to the Missouri Constitution and shall be considered the proceeds of
36 excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri
37 Constitution. All interest received on the gaming proceeds for education fund shall be credited

38 to the gaming proceeds for education fund. Appropriation of the moneys deposited into the
39 gaming proceeds for education fund shall be pursuant to state law.

40 (3) The state auditor shall perform an annual audit of the gaming proceeds for education
41 fund [and the schools first elementary and secondary education improvement fund], which shall
42 include the evaluation of whether appropriations for elementary and secondary education have
43 increased and are being used as intended [by this act]. The state auditor shall make copies of
44 each audit available to the public and to the general assembly.

[313.775. This act shall be known and may be cited as "The Schools First
Elementary and Secondary Education Funding Initiative".]

[313.778. There is hereby created in the state treasury the "Schools First
Elementary and Secondary Education Improvement Fund", which shall consist
of taxes on excursion gambling boat proceeds as provided in subsection 2 of
section 160.534, RSMo, to be used solely for the purpose of increasing funding
for elementary and secondary education. The schools first elementary and
secondary education improvement fund shall be state revenues collected from
gaming activities for purposes of article III, section 39(d) of the constitution.
Moneys in the schools first elementary and secondary education improvement
fund shall be kept separate from the general revenue fund as well as any other
funds or accounts in the state treasury. The state treasurer shall be custodian of
the fund and may approve disbursements from the fund in accordance with
sections 30.170 and 30.180, RSMo. Notwithstanding the provisions of section
33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of
the biennium shall not revert to the credit of the general revenue fund. The state
treasurer shall invest moneys in the fund in the same manner as other funds are
invested. Any interest and moneys earned on such investments shall be credited
to the fund.]

Section B. Because immediate action is necessary to synchronize the requirements of
section A of this act with the school calendar and state fiscal year, the repeal of section 313.775
of section A of this act, the repeal and reenactment of sections 163.011 and 163.031 of section
A of this act, and the enactment of section 163.095 of section A of this act, are deemed necessary
for the immediate preservation of the public health, welfare, peace, and safety, and is hereby
declared to be an emergency act within the meaning of the constitution, the repeal of section
313.775 of section A of this act, the repeal and reenactment of sections 163.011 and 163.031 of
section A of this act, and the enactment of section 163.095 of section A of this act, shall be in
full force and effect on July 1, 2009, or upon their passage and approval, whichever later occurs.

Section C. Because immediate action is necessary to prevent illegal student enrollment
and to promote legal foreign student enrollment in the upcoming summer educational sessions,
the repeal and reenactment of sections 172.360, 173.1110, 174,130, 175.025, 178.635, 178.780,

4 178.785, and 208.009 of Section A of this act is deemed necessary for the immediate
5 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
6 emergency act within the meaning of the constitution, and the repeal and reenactment of sections
7 172.360, 173.1110, 174,130, 175.025, 178.635, 178.780, 178.785, and 208.009 of Section A of
8 this act shall be in full force and effect upon its passage and approval.

Section D. The repeal of section 313.778 of section A of this act shall become effective
2 July 1, 2010.

✓