

SECOND REGULAR SESSION

HOUSE BILL NO. 1246

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINSON.

5179L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 167.121, 167.131, 167.241, and 171.031, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.400, 167.121, 167.131, 167.241, and 171.031, RSMo, are
2 repealed and eight new sections enacted in lieu thereof, to be known as sections 160.400,
3 161.096, 167.121, 167.131, 167.133, 167.135, 167.241, and 171.031, to read as follows:
160.400. 1. A charter school is an independent public school.
2 2. Except as [further] provided in subsection [4] **3** of this section, charter schools may
3 be operated only:
4 (1) In a metropolitan school district;
5 (2) In an urban school district containing most or all of a city with a population greater
6 than three hundred fifty thousand inhabitants;
7 (3) In a school district that has been declared unaccredited;
8 (4) In a school district that has been classified as provisionally accredited by the state
9 board of education and has received scores on its annual performance report consistent with a
10 classification of provisionally accredited or unaccredited for three consecutive school years
11 beginning with the 2012-13 accreditation year under the following conditions:
12 (a) The eligibility for charter schools of any school district whose provisional
13 accreditation is based in whole or in part on financial stress as defined in sections 161.520 to
14 161.529, or on financial hardship as defined by rule of the state board of education, shall be

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.

15 decided by a vote of the state board of education during the third consecutive school year after
16 the designation of provisional accreditation; and

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

20 (5) In a school district that has been accredited without provisions, sponsored only by
21 the local school board; provided that no board with a current year enrollment of one thousand
22 five hundred fifty students or greater shall permit more than thirty-five percent of its student
23 enrollment to enroll in charter schools sponsored by the local board under the authority of this
24 subdivision, except that this restriction shall not apply to any school district that subsequently
25 becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited
26 without provisions that sponsors charter schools prior to having a current year student enrollment
27 of one thousand five hundred fifty students or greater.

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

30 (1) The school board of the district in any district which is sponsoring a charter school
31 as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section,
32 the special administrative board of a metropolitan school district during any time in which
33 powers granted to the district's board of education are vested in a special administrative board,
34 or if the state board of education appoints a special administrative board [to retain the authority
35 granted to the board of education] **for the operation of all or part** of an urban school district
36 containing most or all of a city with a population greater than three hundred fifty thousand
37 inhabitants, the special administrative board of such school district;

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

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

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

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

49 (6) The Missouri charter public school commission created in section 160.425;

50 **(7) The school board of a district classified as unaccredited by the state board of**
51 **education, or if the state board of education has lapsed the corporate organization of an**
52 **unaccredited district under subdivision (2) of subsection 3 of section 162.081 and appointed**
53 **a special administrative board for the operation of all or part of the district or determined**
54 **an alternative governing structure for the district, the special administrative board or the**
55 **alternative governing structure, in the unaccredited district;**

56 **(8) The school board of a district that is accredited without provisions by the state**
57 **board of education, in a district classified as unaccredited by the state board of education;**

58 **(9) A combination of school boards of districts that are accredited without**
59 **provisions by the state board of education in collaboration, in a district classified as**
60 **unaccredited by the state board of education; or**

61 **(10) A cooperative association of school districts, in a district classified as**
62 **unaccredited by the state board of education.**

63 4. Changes in a school district's accreditation status that affect charter schools shall be
64 addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection
65 2 of this section:

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

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

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

77

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

85 5. The mayor of a city not within a county may request a sponsor under subdivision (2),
86 (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter
87 school", which is defined for purposes of sections 160.400 to 160.425 as a charter school with
88 the ability to target prospective students whose parent or parents are employed in a business
89 district, as defined in the charter, which is located in the city.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

145 15. No member of the governing board of a charter school shall hold any office or
146 employment from the board or the charter school while serving as a member, nor shall the
147 member have any substantial interest, as defined in section 105.450, in any entity employed by
148 or contracting with the board. No board member shall be an employee of a company that
149 provides substantial services to the charter school. All members of the governing board of the
150 charter school shall be considered decision-making public servants as defined in section 105.450
151 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
152 105.487, and 105.489.

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

154 (1) The review of a charter school proposal including an application that provides
155 sufficient information for rigorous evaluation of the proposed charter and provides clear

156 documentation that the education program and academic program are aligned with the state
157 standards and grade-level expectations, and provides clear documentation of effective
158 governance and management structures, and a sustainable operational plan;

159 (2) The granting of a charter;

160 (3) The performance framework that the sponsor will use to evaluate the performance
161 of charter schools;

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

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

167 (6) Procedures to be implemented if a charter school should close, consistent with the
168 provisions of subdivision (15) of subsection 1 of section 160.405.

169

170 The department shall provide guidance to sponsors in developing such policies and procedures.

171 17. (1) A sponsor shall provide timely submission to the state board of education of all
172 data necessary to demonstrate that the sponsor is in material compliance with all requirements
173 of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure
174 each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and
175 167.349 for each charter school sponsored by any sponsor. The state board shall notify each
176 sponsor of the standards for sponsorship of charter schools, delineating both what is mandated
177 by statute and what best practices dictate. The state board shall evaluate sponsors to determine
178 compliance with these standards every three years. The evaluation shall include a sponsor's
179 policies and procedures in the areas of charter application approval; required charter agreement
180 terms and content; sponsor performance evaluation and compliance monitoring; and charter
181 renewal, intervention, and revocation decisions. Nothing shall preclude the department from
182 undertaking an evaluation at any time for cause.

183 (2) If the department determines that a sponsor is in material noncompliance with its
184 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If
185 remediation does not address the compliance issues identified by the department, the
186 commissioner of education shall conduct a public hearing and thereafter provide notice to the
187 charter sponsor of corrective action that will be recommended to the state board of education.
188 Corrective action by the department may include withholding the sponsor's funding and
189 suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any
190 additional school until the sponsor is reauthorized by the state board of education under section
191 160.403.

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

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

**161.096. 1. As authorized under its duty to classify the schools of the state under
2 section 161.092, the state board of education shall adopt a system of classification that
3 accredits individual school buildings within an unaccredited district separately from the
4 district as a whole. This system shall be used only to classify the individual schools
5 operated by any district that the state board of education has classified as unaccredited.**

**6 2. The state board of education shall promulgate rules and regulations to
7 implement the provisions of this section.**

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

**12 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
13 created under the authority delegated in this section shall become effective only if it
14 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
15 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
16 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
17 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
18 grant of rulemaking authority and any rule proposed or adopted after August 28, 2014,
19 shall be invalid and void.**

167.121. 1. If the residence of a pupil is so located that attendance in the district of
2 residence constitutes an unusual or unreasonable transportation hardship because of natural
3 barriers, travel time, or distance, the commissioner of education or his or her designee may
4 assign the pupil to another district. **The commissioner or his or her designee shall, upon
5 proper application by the parent or guardian of the pupil, assign the pupil and any sibling
6 of the pupil to another district if the following conditions are met:**

**7 (1) The actual driving distance from the student's residence to the attendance
8 center in the district of residence is seventeen miles or more by the shortest route available
9 as determined by the commissioner or his or her designee;**

10 **(2) The attendance center to which the student would be assigned in the receiving**
11 **district is at least seven miles closer in actual driving distance by the shortest route**
12 **available to the student's residence than the current attendance center in the residence**
13 **district as determined by the commissioner or his or her designee; and**

14 **(3) The attendance of the student will not cause the classroom in the receiving**
15 **district to exceed the maximum number of students per class as determined by the**
16 **receiving district.**

17 **2. The commissioner of education shall assign pupils in the order in which**
18 **applications are received, provided the applications are properly completed and the**
19 **conditions of subsection 1 of this section are met. Once granted, the hardship assignment**
20 **shall continue until the pupil, and any sibling of the pupil who attends the same attendance**
21 **center, completes his or her course of study in the receiving district or the parent or**
22 **guardian withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship**
23 **assignment, the granting of a subsequent application is discretionary.**

24 **3. A pupil shall be eligible to apply to the commissioner of education to be assigned**
25 **to another district under this section if the pupil has been enrolled in and attending a**
26 **public school in his or her district of residence during the school year prior to the**
27 **application. A pupil shall be eligible to apply to the commissioner of education to be**
28 **assigned to another district under this section if the pupil has been enrolled in and**
29 **attending a public school in a district other than his or her district of residence and paid**
30 **nonresident tuition for such enrollment during the school year prior to the application.**
31 **Pupils who reside in the district who become eligible for kindergarten or first grade shall**
32 **also be eligible to apply to the commissioner of education to be assigned to another district.**
33 **A pupil who is not currently enrolled in a public school district shall become eligible to**
34 **apply to the commissioner of education to be assigned to another district after the student**
35 **has enrolled in and completed a full school year in a public school in his or her district of**
36 **residence.**

37 **4. Subject to the provisions of this section, all existing assignments shall be reviewed**
38 **prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. Any**
39 **assignment granted to a pupil under this section prior to August 28, 2014, shall also be**
40 **applicable to any sibling of the pupil. Such assignment shall remain in effect until the**
41 **pupil and any sibling of the pupil completes his or her course of study in the receiving**
42 **district or until the parent or guardian withdraws the pupil and any sibling of the pupil**
43 **from the assignment. The board of education of the district in which the pupil lives shall pay**
44 **the tuition of the pupil assigned. The tuition shall [not exceed the pro rata cost of instruction]**
45 **be the lesser of the student's district of residence's current expenditure per average daily**

46 **attendance for the previous school year and the receiving district's current expenditure per**
47 **average daily attendance for the previous school year. If there is disagreement as to the**
48 **tuition amount, the facts shall be submitted to the state board of education and its decision**
49 **in the matter shall be final. For any pupil that the commissioner assigns to another district**
50 **who has an individualized education program, the pupil shall be included in the pupil**
51 **count of the district of residence for purposes of state aid. No district to which a pupil with**
52 **an individualized education program is assigned shall be included in such district's pupil**
53 **count for state aid. If there is disagreement as to the tuition amount for any pupil with an**
54 **individualized education program, the facts shall be submitted to the state board of**
55 **education and its decision in the matter shall be final.**

56 [2.] 5. (1) For the school year beginning July 1, 2008, and each succeeding school year,
57 a parent or guardian residing in a lapsed public school district or a district that has scored either
58 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual
59 performance reports may enroll the parent's or guardian's child in the Missouri virtual school
60 created in section 161.670 provided the pupil first enrolls in the school district of residence. The
61 school district of residence shall include the pupil's enrollment in the virtual school created in
62 section 161.670 in determining the district's average daily attendance. Full-time enrollment in
63 the virtual school shall constitute one average daily attendance equivalent in the school district
64 of residence. Average daily attendance for part-time enrollment in the virtual school shall be
65 calculated as a percentage of the total number of virtual courses enrolled in divided by the
66 number of courses required for full-time attendance in the school district of residence.

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

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

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

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

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

167.133. 1. (1) The board of education of each district in this state that has been
2 **declared unaccredited pursuant to the authority of the state board of education to classify**
3 **schools as established in section 161.092 shall pay tuition and provide transportation**
4 **consistent with the provisions of section 167.241 for each student resident therein who**
5 **meets the criteria of this section.**

6 **(2) The rate of tuition to be charged by the district attended and paid by the**
7 **sending district is the per-pupil cost of maintaining the district's grade-level grouping**
8 **which includes the school attended. The cost of maintaining a grade-level grouping shall**
9 **be determined by the board of education of the district but in no case shall it exceed all**
10 **amounts spent for teachers' wages, incidental purposes, debt service, maintenance, and**
11 **replacements. The term "debt service", as used in this section, means expenditures for the**
12 **retirement of bonded indebtedness and expenditures for interest on bonded indebtedness.**
13 **Per-pupil cost of the grade-level grouping shall be determined by dividing the cost of**
14 **maintaining the grade-level grouping by the average daily pupil attendance. If there is**
15 **disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state**

16 board of education, and its decision in the matter shall be final. Subject to the limitations
17 of this section, each student shall be free to attend the public school of his or her choice.

18 **2. A student who resides in an unaccredited district may transfer to a public school**
19 **in another district of the same or an adjoining county if the receiving district is accredited**
20 **without provisions by the state board of education and the student follows the procedures**
21 **required by this section. Before a student who attends a public school in an unaccredited**
22 **district may transfer to an accredited district in the same or an adjoining county, the**
23 **unaccredited district shall determine if there is sufficient capacity in a district school**
24 **offering the student's grade level of enrollment that is accredited by the state board of**
25 **education under section 161.096. If such capacity exists, the student shall remain enrolled**
26 **in the unaccredited district and attend the accredited school, provided that the student**
27 **meets any admissions requirements criteria if the school is a magnet school, academically**
28 **selective school, or school with a competitive entrance process.**

29 **3. By August 30, 2014, each local school board shall establish specific criteria for**
30 **the admission of nonresident students from unaccredited districts who seek admission into**
31 **an accredited district under this section. By August 30, 2014, each local school board shall**
32 **adopt and publish a policy for class size and student-teacher ratios for all grade levels**
33 **based on, at a minimum, the criteria established under this subsection. When adopting its**
34 **policy, each school board shall consider the class size and assigned enrollment standards**
35 **of the Missouri school improvement program's resource standards, including the desirable**
36 **standard and minimum standard. Each local school board shall also base its policy for**
37 **class size and student-teacher ratios on the district's student enrollment for the previous**
38 **three school years and consider the district's resident student population growth or**
39 **decrease, based on demographic projections provided by the office of socioeconomic data**
40 **analysis, such that the receiving district shall not be required to employ additional teachers**
41 **or construct new classrooms to accommodate transfer students from unaccredited districts.**
42 **Each local school board may consider other factors and criteria when adopting its policy.**
43 **No resident student shall be displaced from a school to which he or she would otherwise**
44 **be assigned to accommodate the admission of a nonresident student. Each district shall,**
45 **as necessary, modify and publish revised policies annually by January fifteenth to be**
46 **effective for the following school year.**

47 **4. The school board of each accredited district located in the same county as, or in**
48 **an adjoining county to, an unaccredited district shall publicly post on its internet website**
49 **a student transfer application, the district's admissions process, and the current available**
50 **enrollment slots by grade level.**

51 **5. A parent or guardian who seeks to transfer his or her child from his or her**
52 **unaccredited district of residence to an accredited district located in the same or an**
53 **adjoining county shall send notification to the school district of residence and the receiving**
54 **district of his or her intent to enroll the child in the receiving district. The parent or**
55 **guardian shall provide such notification by February first for enrollment the following**
56 **school year. If a clearinghouse has been established under section 167.135, a parent or**
57 **guardian who resides in a district subject to the clearinghouse shall follow all procedures**
58 **and deadlines required by section 167.135 and the clearinghouse.**

59 **6. A parent or guardian who seeks to transfer his or her child may apply for a**
60 **specific building assignment within a receiving district, including applying to attend a**
61 **technical high school if the district operates one. The receiving district shall determine the**
62 **final building assignment for transfer students.**

63 **7. If an accredited district does not have sufficient capacity to enroll all students**
64 **from unaccredited districts who submit a timely application, the district shall institute an**
65 **admissions process to ensure all applicants an equal chance of admission except that an**
66 **accredited district may give preference for admission to siblings of children who are**
67 **already enrolled in the district under this section or who have been selected earlier in the**
68 **admissions process.**

69 **8. All accountability data and performance data, including but not limited to**
70 **statewide assessment scores, achievement data, attendance data, and graduation figures,**
71 **of students who transfer from an unaccredited district to an accredited district under this**
72 **section shall not be included in the district and building annual performance reports of the**
73 **receiving accredited district for two full school years.**

74 **9. An accredited district shall not charge tuition to an unaccredited district until**
75 **such time as students are enrolled and attending in the accredited district. Tuition charges**
76 **shall cease when a student is no longer enrolled in the accredited district. Tuition billings**
77 **shall be calculated based upon hours of actual attendance at the receiving district. A**
78 **receiving district shall provide documentation to the unaccredited district that includes the**
79 **name of each transfer student, hours of attendance for the billing period for each student,**
80 **and the student's state identification number for the department-developed student-level**
81 **record system. An unaccredited district shall remit tuition payments to any accredited**
82 **district in which its resident students have enrolled under this section within ten business**
83 **days after receiving its monthly state aid distribution. If an unaccredited district does not**
84 **send tuition payments to a receiving district, the department of elementary and secondary**
85 **education shall withhold the full amount of unpaid tuition associated with each**
86 **transferring student from the unaccredited district's state aid and distribute such amount**

87 to the receiving district within sixty days of the unaccredited district's payment
88 delinquency. If there is a tuition disagreement between districts, or a lapse in tuition
89 payments, any student enrolled in an accredited district shall be permitted to complete the
90 school year at his or her school of enrollment in the accredited district irrespective of the
91 tuition payment status.

92 **10. If an unaccredited district becomes classified as provisionally accredited or**
93 **accredited without provisions by the state board of education, resident students of the**
94 **unaccredited district who are enrolled in an accredited district in the same or an adjoining**
95 **county under this section shall be permitted to continue their educational program in the**
96 **accredited district in the following manner:**

97 **(1) A student enrolled in kindergarten through eighth grade may continue his or**
98 **her educational program until he or she has completed the eighth grade in the receiving**
99 **district. Upon completion of the eighth grade, the student shall return to his or her district**
100 **of residence;**

101 **(2) A student enrolled in grades nine through twelve may continue his or her**
102 **educational program until he or she has completed the twelfth grade.**

103 **11. The parent or guardian of a student with a disability residing in an**
104 **unaccredited district may transfer his or her student to an accredited district in the same**
105 **or an adjoining county. The receiving accredited district shall follow the student's existing**
106 **IEP until the student's IEP team at the receiving accredited district, including the parent**
107 **or guardian, can complete the process for review and revision. Receiving accredited**
108 **districts that are component districts of a special school district shall have joint**
109 **responsibility with the special school district to provide special education services.**
110 **Receiving districts that are not component districts of a special school district shall be**
111 **responsible for providing special education services for transfer students from**
112 **unaccredited districts. Special education services for transfer students from an**
113 **unaccredited district not located in a county with a charter form of government and with**
114 **more than nine hundred fifty thousand inhabitants shall be the responsibility of the**
115 **receiving accredited district. A student's unaccredited district of residence shall be**
116 **responsible for the cost of educating a student with an IEP that exceeds the tuition amount**
117 **in subsection 1 of this section.**

118 **12. An unaccredited district shall be responsible for providing transportation to an**
119 **accredited district for a transfer student with an IEP, notwithstanding any subsequent**
120 **changes to the student's IEP by a receiving accredited district.**

121 **13. For purposes of this section the following terms shall mean:**

122 (1) "Accredited district", a school district that is accredited without provisions by
123 the state board of education pursuant to the authority of the state board of education to
124 classify schools as established in section 161.092;

125 (2) "IEP", an individualized education program;

126 (3) "Unaccredited district", a school district classified as unaccredited by the state
127 board of education pursuant to the authority of the state board of education to classify
128 schools as established in section 161.092.

167.135. 1. When the state board of education classifies a metropolitan school
2 district as unaccredited or any school district located in a county with a charter form of
3 government and with more than nine hundred fifty thousand inhabitants as unaccredited,
4 the department of elementary and secondary education shall establish a clearinghouse, as
5 provided in this section, to assist students to transfer from unaccredited districts to
6 accredited districts under section 167.133.

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

8 (1) "Accredited district", a school district that is accredited without provisions by
9 the state board of education pursuant to the authority of the state board of education to
10 classify schools as established in section 161.092;

11 (2) "Clearinghouse", a neutral third party appointed by the department of
12 elementary and secondary education to coordinate student transfers from unaccredited
13 districts to accredited districts;

14 (3) "Unaccredited district", a school district classified as unaccredited by the state
15 board of education pursuant to the authority of the state board of education to classify
16 schools as established in section 161.092.

17 3. The clearinghouse shall make information and assistance available to parents or
18 guardians who intend to transfer their child from an unaccredited district to an accredited
19 district under section 167.133. The clearinghouse shall coordinate student transfers and
20 assign students who seek to transfer.

21 4. The parent or guardian of a student residing in an unaccredited district who
22 intends to enroll his or her child in an accredited district under the provisions of this
23 section shall send initial notification to the student's school district of residence and the
24 clearinghouse by February first for enrollment in the subsequent school year. Each parent
25 or guardian of a student who provides notice of intent to transfer from an unaccredited
26 district to an accredited district under this section shall do so on forms prescribed by the
27 department of elementary and secondary education. The parent or guardian of a student
28 who seeks to transfer may provide to the clearinghouse a list of schools or districts in which
29 the student would like to enroll. The clearinghouse shall process requests to transfer in the

30 order in which they are received except that the clearinghouse may give a preference to
31 students with a sibling who already attends an accredited district and who apply to attend
32 the same district. If there is insufficient capacity to enroll all students who wish to transfer,
33 the clearinghouse shall institute an admissions process.

34 **5. Each accredited district in the same county or in an adjoining county to an**
35 **unaccredited district shall annually report the number of available enrollment slots by**
36 **grade level to the clearinghouse, on a date specified by the clearinghouse.**

37 **6. (1) If a parent or guardian fails to file the initial notification forms by the**
38 **deadline specified in subsection 4 of this section, and satisfies the definition of good cause**
39 **as defined in subdivision (3) of this subsection, or if the request is to enroll a child in an**
40 **accredited district under this section for kindergarten or first grade or in any grade if a**
41 **child is moving into Missouri or into the district for the first time, the parent or guardian**
42 **shall be permitted, if accepted, to enroll the child in the other district in the same manner**
43 **as if the deadline had been met.**

44 **(2) Until the last Friday in March of that calendar year, the parent or guardian**
45 **requesting transfer shall send notification to the district of residence and the clearinghouse,**
46 **on forms prescribed by the department of elementary and secondary education, that good**
47 **cause, as defined in subdivision (3) of this subsection, exists for failure to meet the deadline.**
48 **The clearinghouse shall take action to approve the request if good cause exists. A denial**
49 **of a request by the clearinghouse is not subject to appeal.**

50 **(3) For purposes of this section, "good cause" means a change in a child's residence**
51 **due to a change in family residence, a change in the marital status of a child's parent or**
52 **parents, a guardianship or custody change, placement in foster care, adoption,**
53 **participation in a substance abuse or mental health treatment program, or student health**
54 **or safety concerns; or a change in the status of a child's district of residence, such as**
55 **removal of accreditation by the state board of education, permanent closure of a public or**
56 **nonpublic school that the child attends, or revocation of the charter of the charter school**
57 **attended by the child as provided in section 160.405. If the good cause relates to a change**
58 **in status of a child's school district of residence, however, action by a parent or guardian**
59 **must be taken to file the notification within forty-five days of the last official action relating**
60 **to such status. Student health or safety concerns shall include, but not be limited to,**
61 **ongoing bullying, supported by official school reports, sexual misconduct complaints,**
62 **reports, or investigations, and drug or alcohol concerns with peers. If the district does not**
63 **agree with the parent's or child's concerns, a written notice of need for relocation from a**
64 **medical or mental health professional shall suffice to satisfy good cause under this**
65 **subsection.**

66 **7. The clearinghouse may contract with a school district, any voluntary interdistrict**
67 **council, or any private entity for transportation services.**

68 **8. The expenses associated with the administration of student transfers under this**
69 **section shall be defrayed by the department of elementary and secondary education**
70 **retaining funds to cover the cost of administration from the state school aid withheld from**
71 **a transfer student's district of residence.**

167.241. Transportation for pupils whose tuition the district of residence is required to
2 pay by section 167.131, **section 167.133**, or who are assigned as provided in section 167.121
3 shall be provided by the district of residence; however, in the case of pupils covered by section
4 167.131 **or 167.133**, the district of residence shall be required to provide transportation only to
5 school districts accredited by the state board of education pursuant to the authority of the state
6 board of education to classify schools as established in section 161.092 and those school districts
7 designated by the board of education of the district of residence. **For purposes of this section,**
8 **the phrase "school districts accredited by the state board of education" shall mean school**
9 **districts that are accredited without provision by the state board of education pursuant to**
10 **the authority of the state board of education to classify schools as established in section**
11 **161.092.**

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

7 2. Each local school district may set its opening date each year, which date shall be no
8 earlier than ten calendar days prior to the first Monday in September. No public school district
9 shall select an earlier start date unless the district follows the procedure set forth in subsection
10 3 of this section.

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

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

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

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

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

32 (1) Vocational schools which may adopt an eight-hour day in a metropolitan school
33 district and a school district in a first class county adjacent to a city not within a county[, and]
34 ;

35 (2) Any school that adopts a four-day school week in accordance with section 171.029;
36 **and**

37 (3) **Any school district that is classified as unaccredited by the state board of**
38 **education that follows the procedure in subsection 8 of this section.**

39 **8. The school board of any district classified as unaccredited by the state board of**
40 **education, upon adoption of a resolution by a majority vote to authorize such action, may**
41 **do any or all of the following measures:**

42 (1) **Increase the length of the school day;**

43 (2) **Increase the annual hours of instruction above the required number of hours**
44 **in subsection 1 of this section;**

45 (3) **Increase the length of the school term.**

Section B. Because of the importance of providing guidance to school districts on
2 student transfers, this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and this act shall be in full force and effect upon its passage and
5 approval.

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