

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 118
99TH GENERAL ASSEMBLY

0039H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof twelve 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 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and
2 167.241, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as
3 sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241,
4 167.826, 167.827, and 167.890, to read as follows:

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

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;

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 (4) "Graduation rate", the ~~[quotient of the number of graduates in the current year as of~~
16 ~~June thirtieth divided by the sum of the number of graduates in the current year as of June~~
17 ~~thirtieth plus the number of twelfth graders who dropped out in the current year plus the number~~
18 ~~of eleventh graders who dropped out in the preceding year plus the number of tenth graders who~~
19 ~~dropped out in the second preceding year plus the number of ninth graders who dropped out in~~
20 ~~the third preceding year]~~ **graduation rate as defined by the Missouri school improvement**
21 **program;**

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

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

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

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

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

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

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

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

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

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

160.410. 1. A charter school shall enroll:

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

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

5 (3) Nonresident pupils who transfer from an unaccredited district under section
6 ~~[167.131]~~ **167.826**, provided that the charter school is an approved charter school, as defined in
7 section ~~[167.131]~~ **167.826**, and subject to all other provisions of section ~~[167.131]~~ **167.826**;

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

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

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

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

27 (2) A charter school may also give a preference for admission of children whose siblings
28 attend the school or whose parents are employed at the school or in the case of a workplace
29 charter school, a child whose parent is employed in the business district or at the business site
30 of such school; and

31 (3) Charter alternative and special purpose schools may also give a preference for
32 admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405,

33 when the school targets these students through its proposed mission, curriculum, teaching
34 methods, and services.

35 3. A charter school shall not limit admission based on race, ethnicity, national origin,
36 disability, income level, proficiency in the English language or athletic ability, but may limit
37 admission to pupils within a given age group or grade level. Charter schools may limit
38 admission based on gender only when the school is a single-gender school. Students of a charter
39 school who have been enrolled for a full academic year shall be counted in the performance of
40 the charter school on the statewide assessments in that calendar year, unless otherwise exempted
41 as English language learners. For purposes of this subsection, "full academic year" means the
42 last Wednesday in September through the administration of the Missouri assessment program
43 test without transferring out of the school and re-enrolling.

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

47 (1) The school's charter;

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

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

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

55 5. When a student attending a charter school who is a resident of the school district in
56 which the charter school is located moves out of the boundaries of such school district, the
57 student may complete the current semester and shall be considered a resident student. The
58 student's parent or legal guardian shall be responsible for the student's transportation to and from
59 the charter school.

60 6. If a change in school district boundary lines occurs under section 162.223, 162.431,
61 162.441, or 162.451, or by action of the state board of education under section 162.081,
62 including attachment of a school district's territory to another district or dissolution, such that a
63 student attending a charter school prior to such change no longer resides in a school district in
64 which the charter school is located, then the student may complete the current academic year at
65 the charter school. The student shall be considered a resident student. The student's parent or
66 legal guardian shall be responsible for the student's transportation to and from the charter school.

67 7. The provisions of sections 167.018 and 167.019 concerning foster children's
68 educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

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

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

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

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

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

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

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

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the

37 product of the charter school's weighted average daily attendance and the state adequacy target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter
41 school declares itself as a local educational agency, the department of elementary and secondary
42 education shall, upon notice of the declaration, reduce the payment made to the school district
43 by the amount specified in this subsection and pay directly to the charter school the annual
44 amount reduced from the school district's payment.

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

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

64 7. In the case of a proposed charter school that intends to contract with an education
65 service provider for substantial educational services or management services, the request for
66 proposals shall additionally require the charter school applicant to:

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

70 (2) Provide a term sheet setting forth the proposed duration of the service contract; roles
71 and responsibilities of the governing board, the school staff, and the service provider; scope of
72 services and resources to be provided by the service provider; performance evaluation measures

73 and time lines; compensation structure, including clear identification of all fees to be paid to the
74 service provider; methods of contract oversight and enforcement; investment disclosure; and
75 conditions for renewal and termination of the contract;

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

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

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

82 (6) Provide a process to ensure that the expenditures that the education service provider
83 intends to bill to the charter school shall receive prior approval of the governing board or its
84 designee.

85 8. A charter school may enter into contracts with community partnerships and state
86 agencies acting in collaboration with such partnerships that provide services to children and their
87 families linked to the school.

88 9. A charter school shall be eligible for transportation state aid pursuant to section
89 163.161 and shall be free to contract with the local district, or any other entity, for the provision
90 of transportation to the students of the charter school.

91 10. (1) The proportionate share of state and federal resources generated by students with
92 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
93 by their school district where such enrollment is through a contract for services described in this
94 section. The proportionate share of money generated under other federal or state categorical aid
95 programs shall be directed to charter schools serving such students eligible for that aid.

96 (2) A charter school shall provide the special services provided pursuant to section
97 162.705 and may provide the special services pursuant to a contract with a school district or any
98 provider of such services.

99 11. A charter school may not charge tuition or impose fees that a school district is
100 prohibited from charging or imposing, except that a charter school may receive tuition payments
101 from districts in the same or an adjoining county for nonresident students who transfer to an
102 approved charter school, as defined in section ~~[167.134]~~ **167.826**, from an unaccredited district.

103 12. A charter school is authorized to incur debt in anticipation of receipt of funds. A
104 charter school may also borrow to finance facilities and other capital items. A school district
105 may incur bonded indebtedness or take other measures to provide for physical facilities and other
106 capital items for charter schools that it sponsors or contracts with. Except as otherwise
107 specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school,
108 any liabilities of the corporation will be satisfied through the procedures of chapter 355. A

109 charter school shall satisfy all its financial obligations within twelve months of notice from the
110 sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction
111 of all its financial obligations, a charter school shall return any remaining state and federal funds
112 to the department of elementary and secondary education for disposition as stated in subdivision
113 (17) of subsection 1 of section 160.405. The department of elementary and secondary education
114 may withhold funding at a level the department determines to be adequate during a school's last
115 year of operation until the department determines that school records, liabilities, and reporting
116 requirements, including a full audit, are satisfied.

117 13. Charter schools shall not have the power to acquire property by eminent domain.

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

162.081. 1. Whenever any school district in this state fails or refuses in any school year
2 to provide for the minimum school term required by section 163.021 or is classified
3 unaccredited, the state board of education shall, upon a district's initial classification or
4 reclassification as unaccredited:

5 (1) Review the governance of the district to establish the conditions under which the
6 existing school board shall continue to govern; or

7 (2) Determine the date the district shall lapse and determine an alternative governing
8 structure for the district.

9 2. If at the time any school district in this state shall be classified as unaccredited, the
10 department of elementary and secondary education shall conduct at least two public hearings at
11 a location in the unaccredited school district regarding the accreditation status of the school
12 district. The hearings shall provide an opportunity to convene community resources that may
13 be useful or necessary in supporting the school district as it attempts to return to accredited
14 status, continues under revised governance, or plans for continuity of educational services and
15 resources upon its attachment to a neighboring district. The department may request the
16 attendance of stakeholders and district officials to review the district's plan to return to accredited
17 status, if any; offer technical assistance; and facilitate and coordinate community resources.
18 Such hearings shall be conducted at least twice annually for every year in which the district
19 remains unaccredited or provisionally accredited.

20 3. Upon classification of a district as unaccredited, the state board of education may:

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

23 (2) Lapse the corporate organization of **all or part of** the unaccredited district and:

24 (a) Appoint a special administrative board for the operation of all or part of the district.

25 **If a special administrative board is appointed for the operation of a part of a school**
26 **district, the state board of education shall determine an equitable apportionment of state**
27 **and federal aid for the part of the district and the school district shall provide local revenue**
28 **in proportion to the weighted average daily attendance of the part.** The number of members
29 of the special administrative board shall not be less than five, the majority of whom shall be
30 residents of the district. The members of the special administrative board shall reflect the
31 population characteristics of the district and shall collectively possess strong experience in
32 school governance, management and finance, and leadership. **The state board of education**
33 **may appoint members of the district's elected school board to the special administrative**
34 **board, but members of the elected school board shall not comprise more than forty-nine**
35 **percent of the special administrative board's membership.** Within fourteen days after the
36 appointment by the state board of education, the special administrative board shall organize by
37 the election of a president, vice president, secretary and a treasurer, with their duties and
38 organization as enumerated in section 162.301. The special administrative board shall appoint
39 a superintendent of schools to serve as the chief executive officer of the school district, **or a**
40 **subset of schools**, and to have all powers and duties of any other general superintendent of
41 schools in a seven-director school district. **Nothing in this section shall be construed to**
42 **permit either the state board of education or a special administrative board to raise, in any**
43 **way not specifically allowed by law, the tax levy of the district or any part of the district**
44 **without a vote of the people.** Any special administrative board appointed under this section
45 shall be responsible for the operation of the district **or part of the district** until such time that
46 the district is classified by the state board of education as provisionally accredited for at least two
47 successive academic years, after which time the state board of education may provide for a
48 transition pursuant to section 162.083; or

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

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

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

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

57 d. Annual reports to the general assembly and the governor on the progress towards
58 accreditation of any district that has been declared unaccredited and is placed under an

59 alternative form of governance, including a review of the effectiveness of the alternative
60 governance; or

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

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

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

77 5. A special administrative board **or any other form of governance** appointed under
78 this section shall retain the authority granted to a board of education for the operation of the
79 lapsed school district under the laws of the state in effect at the time of the lapse and may enter
80 into contracts with accredited school districts or other education service providers in order to
81 deliver high-quality educational programs to the residents of the district. If a student graduates
82 while attending a school building in the district that is operated under a contract with an
83 accredited school district as specified under this subsection, the student shall receive his or her
84 diploma from the accredited school district. The authority of the special administrative board
85 **or any other form of governance appointed under this section** shall expire at the end of the
86 third full school year following its appointment, unless extended by the state board of education.
87 If the lapsed district is reassigned, the ~~[special administrative board]~~ **governing board prior to**
88 **lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and
89 transfer such funds, assets, and liabilities of the lapsed district as determined by the state board
90 of education. Neither the special administrative board **nor any other form of governance**
91 **appointed under this section** nor its members or employees shall be deemed to be the state or
92 a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its
93 agencies and employees shall be absolutely immune from liability for any and all acts or
94 omissions relating to or in any way involving the lapsed district, ~~[the]~~ a special administrative

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

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

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

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

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

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

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

121 10. **The provisions of subsection 9 of this section shall not apply to any district**
122 **solely on the basis of financial difficulty resulting from paying tuition and providing**
123 **transportation for transfer students under sections 167.826 and 167.827.**

162.1310. 1. **For purposes of this section, "attendance center" means a public**
2 **school building, public school buildings, or part of a public school building that offers**
3 **education in a grade or grades not higher than the twelfth grade and that constitutes one**
4 **unit for accountability and reporting purposes for the department of elementary and**
5 **secondary education.**

6 2. (1) **If an attendance center receives two or more consecutive annual performance**
7 **report scores consistent with a classification of unaccredited, the district in which the**

8 **attendance center is located shall notify the parent or guardian of any student enrolled in**
 9 **the attendance center of the annual performance report scores within fourteen business**
 10 **days.**

11 **(2) If the state board of education classifies any district as unaccredited, the district**
 12 **shall notify the parent or guardian of any student enrolled in the unaccredited district of**
 13 **the loss of accreditation within fourteen business days.**

14 **3. The district's notice shall include an explanation of which students may be**
 15 **eligible to transfer, the transfer process under sections 167.826 and 167.827, and any**
 16 **services students may be entitled to receive. The district's notice shall be written in a clear,**
 17 **concise, and easy-to-understand manner.**

18 **4. (1) If the notice concerns an attendance center's annual performance report**
 19 **scores, the district shall post the notice in a conspicuous and accessible place in the**
 20 **attendance center.**

21 **(2) If the notice concerns a district's loss of accreditation, the district shall post the**
 22 **notice in a conspicuous and accessible place in each district attendance center.**

23 **5. The district shall send any notice described under this section to each**
 24 **municipality located within the boundaries of the district.**

167.131. 1. The board of education of each district in this state that does not maintain
 2 ~~[an accredited]~~ **a high school** ~~[pursuant to the authority of the state board of education to classify~~
 3 ~~schools as established in section 161.092]~~ **offering work through the twelfth grade** shall pay
 4 ~~[the] tuition [of] as calculated by the receiving district under subsection 2 of this section and~~
 5 provide transportation consistent with the provisions of section 167.241 for each pupil resident
 6 therein **who has completed the work of the highest grade offered in the schools of the**
 7 **district and** who attends an accredited **public high** school in another district of the same or an
 8 adjoining county ~~[or who attends an approved charter school in the same or 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 rate of tuition to be charged by the approved charter school attended and~~
 12 ~~paid by the sending district is the per pupil cost of maintaining the approved charter school's~~
 13 ~~grade level grouping. For a district,]~~ The cost of maintaining a grade level grouping shall be
 14 determined by the board of education of the district but in no case shall it exceed all amounts
 15 spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. ~~[For~~
 16 ~~an approved charter school, the cost of maintaining a grade level grouping shall be determined~~
 17 ~~by the approved charter school but in no case shall it exceed all amounts spent by the district in~~
 18 ~~which the approved charter school is located for teachers' wages, incidental purposes, debt~~
 19 ~~service, maintenance, and replacements.]~~ The term "debt service", as used in this section, means

20 expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded
 21 indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost
 22 of maintaining the grade level grouping by the average daily pupil attendance. If there is
 23 disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board
 24 of education, and its decision in the matter shall be final. Subject to the limitations of this
 25 section, each pupil shall be free to attend the public school of his or her choice.

26 ~~[3. For purposes of this section, "approved charter school" means a charter school that~~
 27 ~~has existed for less than three years or a charter school with a three-year average score of seventy~~
 28 ~~percent or higher on its annual performance report.]~~

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

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

4 **(2) "Receiving district", a school district receiving transfer students under section**
 5 **167.826;**

6 **(3) "Sending district", a school district from which students are transferring to a**
 7 **receiving district or approved charter school, as allowed under section 167.826;**

8 **(4) "State adequacy target", the same meaning given to the term under section**
 9 **163.011.**

10 **2. Notwithstanding any other provision of law, the tuition rate paid by a sending**
 11 **district to the receiving district or the receiving approved charter school for transfer**
 12 **students shall be the lesser of:**

13 **(1) The tuition rate set by the receiving district or the receiving approved charter**
 14 **school under the policy adopted in accordance with section 167.826; or**

15 **(2) The state adequacy target plus the average sum produced per child by the local**
 16 **tax effort above the state adequacy target of the sending district.**

17 167.151. 1. The school board of any district, in its discretion, may admit to the school
 2 pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as
 3 provided in sections 167.121 ~~[and]~~, 167.131, **167.132, and 167.826.**

4 2. Orphan children, children with only one parent living, and children whose parents do
 5 not contribute to their support--if the children are between the ages of six and twenty years and
 6 are unable to pay tuition--may attend the schools of any district in the state in which they have
 7 a permanent or temporary home without paying a tuition fee.

8 3. Any person who pays a school tax in any other district than that in which he resides
 9 may send his children to any public school in the district in which the tax is paid and receive as
 10 a credit on the amount charged for tuition the amount of the school tax paid to the district; except
 11 that any person who owns real estate of which eighty acres or more are used for agricultural

12 purposes and upon which his residence is situated may send his children to public school in any
13 school district in which a part of such real estate, contiguous to that upon which his residence
14 is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real
15 estate is located in the school district of choice. The school district of choice shall count the
16 children in its average daily attendance for the purpose of distribution of state aid through the
17 foundation formula.

18 4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the
19 option of sending his children to the public schools of more than one district shall exercise such
20 option as provided in this subsection. Such person shall send written notice to all school districts
21 involved specifying to which school district his children will attend by June thirtieth in which
22 such a school year begins. If notification is not received, such children shall attend the school
23 in which the majority of his property lies. Such person shall not send any of his children to the
24 public schools of any district other than the one to which he has sent notice pursuant to this
25 subsection in that school year or in which the majority of his property lies without paying tuition
26 to such school district.

27 5. If a pupil is attending school in a district other than the district of residence and the
28 pupil's parent is teaching in the school district or is a regular employee of the school district
29 which the pupil is attending, then the district in which the pupil attends school shall allow the
30 pupil to attend school upon payment of tuition in the same manner in which the district allows
31 other pupils not entitled to free instruction to attend school in the district. The provisions of this
32 subsection shall apply only to pupils attending school in a district which has an enrollment in
33 excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district
34 is located in a county of the first classification with a charter form of government which has a
35 population in excess of six hundred thousand persons and not in excess of nine hundred thousand
36 persons.

167.241. 1. **Except as otherwise provided under this section,** transportation for pupils
2 whose tuition the district of residence is required to pay by section 167.131 **or 167.826** or who
3 are assigned as provided in section 167.121 shall be provided by the district of residence[;
4 ~~however,~~].

5 2. In the case of pupils covered by section 167.131, the district of residence shall be
6 required to provide transportation only to [~~approved charter schools as defined in section~~
7 ~~167.131,~~] school districts accredited by the state board of education pursuant to the authority of
8 the state board of education to classify schools as established in section 161.092, and those
9 school districts designated by the board of education of the district of residence.

10 3. **(1) For purposes of this subsection, "approved charter school" has the same**
11 **meaning given to the term under section 167.826.**

12 (2) For pupils covered by section 167.826, the district of residence shall be required
13 to provide transportation only to school districts or approved charter schools designated
14 by the department of elementary and secondary education or its designee. For pupils
15 covered by section 167.826, the department of elementary and secondary education or its
16 designee shall designate at least one accredited district or approved charter school to which
17 the district of residence shall provide transportation. If the designated district or charter
18 school reaches full student capacity and is unable to receive additional students, the
19 department of elementary and secondary education or its designee shall designate at least
20 one additional accredited district or approved charter school to which the district of
21 residence shall provide transportation.

 167.826. 1. For purposes of this section and section 167.827, the following terms
2 mean:

3 (1) "Approved charter school", a charter school that has existed for less than three
4 years or a charter school with a three-year average score consistent with a classification
5 of accredited without provisions on its annual performance report;

6 (2) "Attendance center", a public school building, public school buildings, or part
7 of a public school building that offers education in a grade or grades not higher than the
8 twelfth grade and that constitutes one unit for accountability and reporting purposes for
9 the department of elementary and secondary education;

10 (3) "Available receiving district", a school district able to receive transfer students
11 under this section;

12 (4) "Receiving district", a school district receiving transfer students under this
13 section;

14 (5) "Sending district", a school district from which students are transferring to a
15 receiving district or approved charter school, as allowed under this section.

16 2. (1) Any student may transfer to another public school in the student's district
17 of residence if such student is enrolled in and has attended, for the full semester
18 immediately prior to requesting the transfer, an attendance center:

19 (a) That is located within an unaccredited district; and

20 (b) That has an annual performance report score consistent with a classification
21 of unaccredited.

22

23 However, no such transfer shall result in a class size and assigned enrollment in a receiving
24 school that exceeds the standards for class size and assigned enrollment as promulgated
25 in the Missouri school improvement program's resource standards. If the student chooses
26 to attend a magnet school, an academically selective school, or a school with a competitive

27 entrance process within his or her district of residence that has admissions requirements,
28 the student shall meet the admissions requirements in order to attend.

29 (2) The school board of each unaccredited district shall determine the capacity at
30 each of the district's attendance centers that has an annual performance report score
31 consistent with a classification of accredited. The district's school board shall be
32 responsible for coordinating transfers within the district as allowed under this subsection.

33 (3) The school board of each unaccredited district shall annually report to the
34 department of elementary and secondary education or its designee the number of available
35 slots in attendance centers within the district that have annual performance report scores
36 consistent with a classification of accredited, the number of students who request to
37 transfer within the district, and the number of such transfer requests that are granted.

38 3. (1) Any student who is eligible to transfer within his or her district under
39 subsection 2 of this section but who is unable to do so due to a lack of capacity in the
40 attendance centers in his or her district of residence may apply to the department of
41 elementary and secondary education or its designee to transfer to:

42 (a) An attendance center:

43 a. That is located within an accredited district that is located in the same or an
44 adjoining county; and

45 b. That has an annual performance report score consistent with a classification of
46 accredited; or

47 (b) An approved charter school located in another district in the same or an
48 adjoining county.

49 (2) A student who is eligible to begin kindergarten or first grade at an attendance
50 center:

51 (a) That is located within an unaccredited district;

52 (b) That has an annual performance report score consistent with a classification
53 of unaccredited; and

54 (c) That offers classes above the second grade level

55

56 may apply to the department of elementary and secondary education or its designee for a
57 transfer to a school described under paragraph (a) or (b) of subdivision (1) of this
58 subsection if he or she resides in the attendance area of the attendance center described
59 under this subdivision on March first preceding the school year of first attendance. A
60 student who does not apply by March first for enrollment in any school year after the 2017-
61 18 school year shall be required to enroll and attend the attendance center described under
62 this subdivision for one semester to become eligible.

63 **(3) If a student who is eligible to transfer under this subsection chooses to apply to**
64 **attend a magnet school, an academically selective school, or a school with a competitive**
65 **entrance process that has admissions requirements, the student shall furnish proof that he**
66 **or she meets the admissions requirements.**

67 **(4) Any student who does not maintain residency in the attendance zone of his or**
68 **her attendance center in the district of residence shall lose eligibility to transfer.**

69 **(5) Except as provided under subsection 7 of this section, any student who transfers**
70 **but later withdraws shall lose eligibility to transfer.**

71 **(6) The transfer provisions of this subsection shall not apply to a district created**
72 **under sections 162.815 to 162.840 or to any early childhood programs or early childhood**
73 **special education programs.**

74 **4. (1) No student enrolled in and attending an attendance center that does not offer**
75 **classes above the second grade level shall be eligible to transfer under this section.**

76 **(2) No student who is eligible to begin kindergarten or first grade at an attendance**
77 **center that does not offer classes above the second grade level shall be eligible to transfer**
78 **under this section.**

79 **5. (1) (a) No provisionally accredited district shall be eligible to receive transfer**
80 **students.**

81 **(b) Except as provided under paragraph (c) of this subdivision, no attendance**
82 **center that has an annual performance report score consistent with a classification of**
83 **provisionally accredited shall be eligible to receive transfer students.**

84 **(c) A transfer student who chooses to attend an attendance center that has an**
85 **annual performance report score consistent with a classification of provisionally accredited**
86 **and that is located within his or her unaccredited district of residence shall be allowed to**
87 **transfer to such attendance center if there is an available slot.**

88 **(2) (a) No unaccredited district shall be eligible to receive transfer students.**

89 **(b) No attendance center that has an annual performance report score consistent**
90 **with a classification of unaccredited shall be eligible to receive transfer students.**

91 **(3) No district or attendance center that has received two consecutive annual**
92 **performance reports consistent with a classification of provisionally accredited for the**
93 **years immediately preceding the year in which it seeks to enroll transfer students shall be**
94 **eligible to receive any transfer students, irrespective of its state board of education**
95 **classification designation; except that, any student who was granted a transfer to such a**
96 **district or attendance center prior to the effective date of this section may remain enrolled**
97 **in that district or attendance center.**

98 **6. Notwithstanding the provisions of subsection 5 of this section, a student may**
99 **transfer to an attendance center:**

100 **(1) That is located within an unaccredited or provisionally accredited district; and**

101 **(2) That has an annual performance report score consistent with a classification of**
102 **accredited**

103

104 **if the attendance center applies for and is granted a waiver by the department of**
105 **elementary and secondary education or its designee to allow the attendance center to**
106 **accept transfer students.**

107 **7. If a receiving district becomes unaccredited or provisionally accredited, or if an**
108 **approved charter school loses its status as an approved charter school, any students who**
109 **previously transferred to the district or charter school shall receive the opportunity to**
110 **remain enrolled in the district or charter school or to transfer to another district or**
111 **approved charter school without losing their eligibility to transfer.**

112 **8. For a receiving district, no acceptance of a transfer student shall require any of**
113 **the following actions, unless the board of education of the receiving district has approved**
114 **the action:**

115 **(1) The hiring of additional classroom teachers; or**

116 **(2) The construction of additional classrooms.**

117 **9. (1) By July 15, 2017, the board of education of each available receiving district**
118 **and the governing board of each approved charter school eligible to receive transfer**
119 **students under this section shall set the number of transfer students the district or charter**
120 **school is willing to receive for the 2017-18 school year.**

121 **(2) By February first annually, the board of education of each available receiving**
122 **district and the governing board of each approved charter school eligible to receive**
123 **transfer students under this section shall set the number of transfer students the district**
124 **or charter school is willing to receive for the following school year.**

125 **(3) An available receiving district or approved charter school eligible to receive**
126 **transfer students under this section shall publish the number set under this subsection and**
127 **shall not be required to accept any transfer students under this section that would cause**
128 **it to exceed the published number.**

129 **10. (1) Each available receiving district shall adopt a policy establishing a tuition**
130 **rate for transfer students by February first annually.**

131 **(2) Each approved charter school eligible to receive transfer students under this**
132 **section shall adopt a policy establishing a tuition rate for transfer students by February**
133 **first annually.**

134 **(3) A sending district shall pay the receiving district or the approved charter school**
135 **the amount specified under section 167.132 for each transfer student.**

136 **11. If an unaccredited district becomes classified as provisionally accredited or**
137 **accredited without provisions by the state board of education, or if an attendance center**
138 **within an unaccredited district improves its annual performance report score from a score**
139 **that is consistent with a classification of unaccredited to a score that is consistent with a**
140 **classification of provisionally accredited or accredited, any resident student of the**
141 **unaccredited district who has transferred to an approved charter school or to an**
142 **accredited district in the same or an adjoining county, as allowed under subsection 3 of this**
143 **section, shall be permitted to continue his or her educational program in the receiving**
144 **district or charter school through the completion of middle school, junior high school, or**
145 **high school, whichever occurs first; except that, a student who attends any school serving**
146 **students through high school graduation but starting at grades lower than ninth grade**
147 **shall be permitted to complete high school in the school to which he or she has transferred.**

148 **12. Notwithstanding the provisions of subsection 10 of this section, if costs**
149 **associated with the provision of special education and related services to a student with a**
150 **disability exceed the tuition amount established under this section, the unaccredited district**
151 **shall remain responsible for paying the excess cost to the receiving district. If the receiving**
152 **district is a component district of a special school district, the unaccredited district,**
153 **including any metropolitan school district, shall contract with the special school district for**
154 **the entirety of the costs to provide special education and related services, excluding**
155 **transportation in accordance with this section. The special school district may contract**
156 **with an unaccredited district, including any metropolitan district, for the provision of**
157 **transportation of a student with a disability or the unaccredited district may provide**
158 **transportation on its own.**

159 **13. A special school district shall continue to provide special education and related**
160 **services, with the exception of transportation under this section, to a student with a**
161 **disability transferring from an attendance center with an annual performance report score**
162 **consistent with a classification of unaccredited that is within a component district to an**
163 **attendance center with an annual performance report score consistent with a classification**
164 **of accredited that is within the same or a different component district within the special**
165 **school district.**

166 **14. If any metropolitan school district is classified as unaccredited, it shall remain**
167 **responsible for the provision of special education and related services, including**
168 **transportation, to students with disabilities. A special school district in an adjoining**
169 **county to a metropolitan school district may contract with the metropolitan school district**

170 for the reimbursement of special education services under sections 162.705 and 162.710
171 provided by the special school district for transfer students who are residents of the
172 unaccredited district.

173 **15. Regardless of whether transportation is identified as a related service within**
174 **a student's individualized education program, a receiving district that is not part of a**
175 **special school district shall not be responsible for providing transportation to a student**
176 **transferring under this section. An unaccredited district may contract with a receiving**
177 **district that is not part of a special school district under sections 162.705 and 162.710 for**
178 **transportation of students with disabilities.**

179 **16. If a seven-director school district or urban school district is classified as**
180 **unaccredited, it may contract with a receiving district that is not part of a special school**
181 **district in the same or an adjoining county for the reimbursement of special education and**
182 **related services under sections 162.705 and 162.710 provided by the receiving district for**
183 **transfer students who are residents of the unaccredited district.**

167.827. 1. (1) By July 15, 2017, and by January first annually, each accredited
2 **district, any portion of which is located in the same county as or in an adjoining county to**
3 **an unaccredited district, shall report to the department of elementary and secondary**
4 **education or its designee the number of available enrollment slots by grade level.**

5 **(2) By July 15, 2017, and by January first annually, each unaccredited district shall**
6 **report to the department of elementary and secondary education or its designee the**
7 **number of available enrollment slots in the schools of its district that have received annual**
8 **performance report scores consistent with a classification of accredited.**

9 **(3) By July 15, 2017, and by January first annually, each approved charter school**
10 **that is eligible to receive transfer students under section 167.826 shall report to the**
11 **department of elementary and secondary education or its designee the number of available**
12 **enrollment slots.**

13 **2. The department of elementary and secondary education or its designee shall**
14 **make information and assistance available to parents or guardians who intend to transfer**
15 **their child to an accredited district or to an approved charter school as described under**
16 **section 167.826.**

17 **3. The parent or guardian of a student who intends to transfer his or her child to**
18 **an accredited district or to an approved charter school as described under section 167.826**
19 **for enrollment in that district or charter school in any school year after the 2017-18 school**
20 **year shall send initial notification to the department of elementary and secondary**
21 **education or its designee by March first for enrollment in the subsequent school year.**

22 **4. The department of elementary and secondary education or its designee shall**
23 **assign those students who seek to transfer to an accredited district or to an approved**
24 **charter school as described under section 167.826. When assigning transfer students to**
25 **approved charter schools, the department of elementary and secondary education or its**
26 **designee shall coordinate with each approved charter school and its admissions process if**
27 **capacity is insufficient to enroll all students who submit a timely application. An approved**
28 **charter school shall not be required to institute a lottery procedure for determining the**
29 **admission of resident students. The department of elementary and secondary education**
30 **or its designee shall give first priority to students who live in the same household with any**
31 **family member within the first or second degree of consanguinity or affinity who already**
32 **attends a school with an annual performance report score consistent with a classification**
33 **of accredited and who apply to attend the same school. If insufficient grade-appropriate**
34 **enrollment slots are available for a student to be able to transfer, the student shall receive**
35 **first priority the following school year. The department of elementary and secondary**
36 **education or its designee shall consider the following factors in assigning schools, with the**
37 **student's or parent's choice as the most important factor:**

- 38 **(1) The student's or parent's choice of the receiving school;**
39 **(2) The best interests of the student;**
40 **(3) The availability of transportation funding, as provided under section 167.241;**
41 **and**
42 **(4) Distance and travel time to a receiving school.**

43
44 **The department of elementary and secondary education or its designee shall not consider**
45 **student academic performance, free and reduced price lunch status, or athletic ability in**
46 **assigning a student to a school.**

47 **5. (1) The department of elementary and secondary education or its designee may**
48 **deny a transfer to a student who in the most recent school year has been suspended from**
49 **school two or more times or who has been suspended for an act of school violence under**
50 **subsection 2 of section 160.261. A student whose transfer is initially precluded under this**
51 **subsection may be permitted to transfer on a provisional basis as a probationary transfer**
52 **student, subject to no further disruptive behavior, upon a statement from the student's**
53 **current school that the student is not disruptive. A student who is denied a transfer under**
54 **this subsection has the right to an in-person meeting with an employee of the department**
55 **of elementary and secondary education or its designee.**

56 **(2) The department of elementary and secondary education shall promulgate rules**
57 **to provide common standards for determining disruptive behavior that shall include, but**

58 not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term
59 is defined in section 536.010, that is created under the authority delegated in this section
60 shall become effective only if it complies with and is subject to all of the provisions of
61 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
62 nonseverable, and if any of the powers vested with the general assembly pursuant to
63 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
64 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
65 proposed or adopted after the effective date of this section shall be invalid and void.

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

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

Section B. Because of the importance of improving and sustaining Missouri's elementary
2 and secondary education system and establishing standards for student transfers to school
3 districts, this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and this act shall be in full force and effect on July 1, 2017, or upon its passage
6 and approval, whichever occurs later.

✓