

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

0039H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 160.410, 160.415, 162.081, 163.018, 163.021, 163.073, 167.121, 167.131, 167.151, 167.225, 167.241, 168.133, 171.029, 171.031, 171.033, and 304.060, RSMo, and to enact in lieu thereof twenty-three new sections relating to elementary and secondary education, with an emergency clause for certain sections and a delayed effective date for a certain section.

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

Section A. Sections 160.011, 160.041, 160.410, 160.415, 162.081, 163.018, 163.021, 2 163.073, 167.121, 167.131, 167.151, 167.225, 167.241, 168.133, 171.029, 171.031, 171.033, and 3 304.060, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known 4 as sections 160.011, 160.041, 160.410, 160.415, 162.081, 162.1310, 163.018, 163.021, 163.073, 5 167.121, 167.131, 167.132, 167.151, 167.225, 167.241, 167.266, 167.826, 167.827, 167.890, 6 168.133, 171.031, 171.033, and 304.060 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;

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.

10 (b) Training of parents regarding how to be the primary teacher of their children and full
11 partners in the education of their children;

12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and

14 (d) An age-appropriate education to prepare children of all ages for success in school;

15 (4) "Graduation rate", the ~~[quotient of the number of graduates in the current year as of~~
16 ~~June thirtieth divided by the sum of the number of graduates in the current year as of June~~
17 ~~thirtieth plus the number of twelfth graders who dropped out in the current year plus the number~~
18 ~~of eleventh graders who dropped out in the preceding year plus the number of tenth graders who~~
19 ~~dropped out in the second preceding year plus the number of ninth graders who dropped out in~~
20 ~~the third preceding year]~~ **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. **In school year 2018-19 and subsequent years, one thousand**
36 **forty-four hours of actual pupil attendance shall be required with no minimum number**
37 **of school days required.** A school term may be within a school year or may consist of parts of
38 two consecutive school years, but does not include summer school. A district may choose to
39 operate two or more terms for different groups of children. A school term for students
40 participating in a school flex program as established in section 160.539 may consist of a
41 combination of actual pupil attendance and attendance at college or technical career education
42 or approved employment aligned with the student's career academic plan for a total of ~~one~~
43 ~~thousand forty-four]~~ **the required number of hours as provided in this subdivision;**

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

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

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

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

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

160.041. 1. The "minimum school day" consists of three hours for schools with a five-
 2 day school week or four hours for schools with a four-day school week in which the pupils are
 3 under the guidance and direction of teachers in the teaching process. A "school month" consists
 4 of four weeks of five days each for schools with a five-day school week or four weeks of four
 5 days each for schools with a four-day school week. **In school year 2018-19 and subsequent**
 6 **years, no minimum number of school days shall be required, and "school day" shall mean**
 7 **any day in which, for any amount of time, pupils are under the guidance and direction of**
 8 **teachers in the teaching process.** The "school year" commences on the first day of July and
 9 ends on the thirtieth day of June following.

10 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
 11 education is authorized to reduce the required number of hours ~~and~~ **or** days in which the pupils
 12 are under the guidance and direction of teachers in the teaching process if:

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

15 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033
 16 prevents students from attending the public school facility.

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

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

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

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

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

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

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

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

35 4. A charter school that has declared itself as a local educational agency shall receive
36 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.**

163.018. 1. Notwithstanding the definition of "average daily attendance" in subdivision
2 (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible
3 for free and reduced price lunch and attend an early childhood education program:

4 **(1) That is operated by and in a district or by a charter school that has declared itself as**
5 **a local educational agency providing full-day kindergarten and that meets standards established**
6 **by the state board of education; or**

7 **(2) That is under contract with a district or charter school that has declared itself**
8 **as a local educational agency and that meets standards established by the state board of**
9 **education**

10

11 shall be included in the district's or charter school's calculation of average daily attendance. The
12 total number of such pupils included in the district's or charter school's calculation of average
13 daily attendance shall not exceed four percent of the total number of pupils who are eligible for
14 free and reduced price lunch between the ages of five and eighteen who are included in the
15 district's or charter school's calculation of average daily attendance.

16 2. (1) For any district that has been declared unaccredited by the state board of education
17 and remains unaccredited as of July 1, 2015, and for any charter school located in said district,
18 the provisions of subsection 1 of this section shall become applicable during the 2015-16 school
19 year.

20 (2) For any district that is declared unaccredited by the state board of education after July
21 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this
22 section shall become applicable immediately upon such declaration.

23 (3) For any district that has been declared provisionally accredited by the state board of
24 education and remains provisionally accredited as of July 1, 2016, and for any charter school
25 located in said district, the provisions of subsection 1 of this section shall become applicable
26 beginning in the 2016-17 school year.

27 (4) For any district that is declared provisionally accredited by the state board of
28 education after July 1, 2016, and for any charter school located in said district, the provisions of

29 this section shall become applicable beginning in the 2016-17 school year or immediately upon
30 such declaration, whichever is later.

31 (5) For all other districts and charter schools, the provisions of subsection 1 of this
32 section shall become effective in any school year subsequent to a school year in which the
33 amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the
34 amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2
35 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the
36 amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

37 3. This section shall not require school attendance beyond that mandated under section
38 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054,
39 and 160.055 relating to kindergarten attendance.

163.021. 1. A school district shall receive state aid for its education program only if it:

2 (1) Provides for a minimum of one hundred seventy-four days and one thousand forty-
3 four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one
5 hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a
6 term for kindergarten pupils. If any school is dismissed because of inclement weather after
7 school has been in session for three hours, that day shall count as a school day including
8 afternoon session kindergarten students. When the aggregate hours lost in a term due to
9 inclement weather decreases the total hours of the school term below the required minimum
10 number of hours by more than twelve hours for all-day students or six hours for one-half-day
11 kindergarten students, all such hours below the minimum must be made up in one-half day or
12 full day additions to the term, except as provided in section 171.033. **In school year 2018-19
13 and subsequent years, one thousand forty-four hours of actual pupil attendance with no
14 minimum number of school days shall be required for each pupil or group of pupils; except
15 that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil
16 attendance in a term for kindergarten pupils with no minimum number of school days;**

17 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
18 required by the state board of education, which shall include the preparation of a financial
19 statement which shall be submitted to the state board of education the same as required by the
20 provisions of section 165.111 for districts;

21 (3) Levies an operating levy for school purposes of not less than one dollar and twenty-
22 five cents after all adjustments and reductions on each one hundred dollars assessed valuation
23 of the district; **and**

24 (4) Computes average daily attendance as defined in subdivision (2) of section 163.011
25 as modified by section 171.031. Whenever there has existed within the district an infectious

26 disease, contagion, epidemic, plague or similar condition whereby the school attendance is
27 substantially reduced for an extended period in any school year, the apportionment of school
28 funds and all other distribution of school moneys shall be made on the basis of the school year
29 next preceding the year in which such condition existed.

30 2. For the 2006-07 school year and thereafter, no school district shall receive more state
31 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
32 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
33 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
34 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
35 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
36 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
37 to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the
38 minimum tax rate otherwise required under this subsection shall not be construed to be in
39 violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of
40 Article X of the state constitution, a school district may levy the operating levy for school
41 purposes required by this subsection less all adjustments required pursuant to Article X, Section
42 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
43 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
44 district is guaranteed to receive an amount not less than the amount the school district received
45 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
46 to any school district located in a county of the second classification which has a nuclear power
47 plant located in such district or to any school district located in a county of the third classification
48 which has an electric power generation unit with a rated generating capacity of more than one
49 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
50 except that such school districts may levy for current school purposes and capital projects an
51 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
52 pursuant to Article X, Section 22 of the Missouri Constitution.

53 3. No school district shall receive more state aid, as calculated in section 163.031, for
54 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
55 school year 1993-94, if the state board of education determines that the district was not in
56 compliance in the preceding school year with the requirements of section 163.172, until such
57 time as the board determines that the district is again in compliance with the requirements of
58 section 163.172.

59 4. No school district shall receive state aid, pursuant to section 163.031, if such district
60 was not in compliance, during the preceding school year, with the requirement, established

61 pursuant to section 160.530 to allocate revenue to the professional development committee of
62 the district.

63 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
64 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
65 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
66 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
67 amounts, if the district did not comply in the preceding school year with the requirements of
68 subsection 5 of section 163.031.

69 6. Any school district that levies an operating levy for school purposes that is less than
70 the performance levy, as such term is defined in section 163.011, shall provide written notice to
71 the department of elementary and secondary education asserting that the district is providing an
72 adequate education to the students of such district. If a school district asserts that it is not
73 providing an adequate education to its students, such inadequacy shall be deemed to be a result
74 of insufficient local effort. The provisions of this subsection shall not apply to any special
75 district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided
2 for pupils by the division of youth services in one of the facilities operated by the division for
3 children who have been assigned there by the courts, the division of youth services shall be
4 entitled to state aid for pupils being educated by the division of youth services in an amount to
5 be determined as follows: the total amount apportioned to the division of youth services shall
6 be an amount equal to the average per weighted average daily attendance amount apportioned
7 for the preceding school year under section 163.031, multiplied by the number of full-time
8 equivalent students served by facilities operated by the division of youth services. The number
9 of full-time equivalent students shall be determined by dividing by one hundred seventy-four
10 days the number of student-days of education service provided by the division of youth services
11 to elementary and secondary students who have been assigned to the division by the courts and
12 who have been determined as inappropriate for attendance in a local public school. A student
13 day shall mean one day of education services provided for one student. **In school year 2018-19
14 and subsequent years, the number of full-time equivalent students shall be the quotient of
15 the number of student-hours of education service provided by the division of youth services
16 to elementary and secondary students who have been assigned to the division by the courts,
17 and who have been determined as inappropriate for attendance in a local public school,
18 divided by one thousand forty-four hours. A student hour shall mean one hour of
19 education services provided for one student.** In addition, other provisions of law
20 notwithstanding, the division of youth services shall be entitled to funds under section 163.087.
21 The number of full-time equivalent students as defined in this section shall be considered as

22 "September membership" and as "average daily attendance" for the apportioning of funds under
23 section 163.087.

24 2. The educational program approved under section 219.056 as provided for pupils by
25 the division of youth services shall qualify for funding for those services provided to
26 handicapped or severely handicapped children. The department of elementary and secondary
27 education shall cooperate with the division of youth services in arriving at an equitable funding
28 for the services provided to handicapped children in the facilities operated by the division of
29 youth services.

30 3. Each local school district or special school district constituting the domicile of a child
31 placed in programs or facilities operated by the division of youth services or residing in another
32 district pursuant to assignment by the division of youth services shall pay toward the per pupil
33 cost of educational services provided by the serving district or agency an amount equal to the
34 average sum produced per child by the local tax effort of that district. A special school district
35 shall pay the average sum produced per child by the local tax efforts of the component districts.
36 This amount paid by the local school district or the special school district shall be on the basis
37 of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil
38 local tax effort.

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, **unforeseen circumstances**, travel time, or distance, the commissioner of education or
4 his or her designee may assign the pupil to another district. **In making such a determination,**
5 **the commissioner or his or her designee shall incorporate consideration of any previous**
6 **affirmative decisions regarding the reassignment of any pupil living in the same territory**
7 **or geographical location under like circumstances of the pupil currently seeking a hardship**
8 **assignment. The hardship assignment shall continue until the pupil completes his or her**
9 **course of study in the receiving district or the parent or guardian withdraws the pupil. A**
10 **hardship assignment granted to a pupil under this section shall also apply to each sibling**
11 **of the pupil.**

12 2. **If the commissioner or his or her designee determines that the pupil described**
13 **in subsection 1 of this section shall not be assigned to another district, the pupil may appeal**
14 **the decision to a board of arbitration within ten days of notification of the decision. The**
15 **board of arbitration shall consist of three members to be appointed by the chair of the joint**
16 **committee on education. Initial appointments to the board shall be made before July 15,**
17 **2017. Each board member shall serve a one-year term but may be reappointed to serve**
18 **additional terms as determined by the chair. No board member shall be paid**
19 **compensation except for reasonable expenses associated with his or her duties. The board**

20 **shall make its determination regarding the reassignment of the student within fifteen days**
 21 **of notification of the appeal by the pupil. All decisions of the board are final and shall not**
 22 **be appealed.** Subject to the provisions of this section, all existing assignments shall be reviewed
 23 prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The
 24 board of education of the district in which the pupil lives shall pay the tuition of the pupil
 25 assigned. The tuition shall not exceed the pro rata cost of instruction.

26 [2-] 3. (1) For the school year beginning July 1, 2008, and each succeeding school year,
 27 a parent or guardian residing in a lapsed public school district or a district that has scored either
 28 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual
 29 performance reports may enroll the parent's or guardian's child in the Missouri virtual school
 30 created in section 161.670 provided the pupil first enrolls in the school district of residence. The
 31 school district of residence shall include the pupil's enrollment in the virtual school created in
 32 section 161.670 in determining the district's average daily attendance. Full-time enrollment in
 33 the virtual school shall constitute one average daily attendance equivalent in the school district
 34 of residence. Average daily attendance for part-time enrollment in the virtual school shall be
 35 calculated as a percentage of the total number of virtual courses enrolled in divided by the
 36 number of courses required for full-time attendance in the school district of residence.

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

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

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

167.131. 1. The board of education of each district in this state that does not maintain
 2 ~~[an accredited]~~ **a high school [pursuant to the authority of the state board of education to classify**
 3 ~~schools as established in section 161.092]~~ **offering work through the twelfth grade** shall pay
 4 ~~[the]~~ **tuition [of] as calculated by the receiving district under subsection 2 of this section** and

5 provide transportation consistent with the provisions of section 167.241 for each pupil resident
 6 therein **who has completed the work of the highest grade offered in the schools of the**
 7 **district and** who attends an accredited **public high** school in another district of the same or an
 8 adjoining county [~~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.**

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.

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

- 2 (1) ~~["Blind persons", individuals who:~~
 3 ~~— (a) Have a visual acuity of 20/200 or less in the better eye with conventional correction,~~
 4 ~~or have a limited field of vision such that the widest diameter of the visual field subtends an~~
 5 ~~angular distance not greater than twenty degrees; or~~
 6 ~~— (b) Have a reasonable expectation of visual deterioration; or~~
 7 ~~— (c) Cannot read printed material at a competitive rate of speed and with facility due to~~
 8 ~~lack of visual acuity;]~~ **"Assessment", the National Reading Media Assessment or another**
 9 **research-based, assessment or series of research-based, assessments authorized under the**
 10 **Individuals with Disabilities Education Act that determines a student's reading and writing**
 11 **skills, needs, and appropriate reading and writing media, both now and in the future, and**
 12 **addresses the student's academic and functional strengths, deficits, and future needs;**
 13 (2) "Braille", the system of reading and writing through touch ~~[commonly known as~~
 14 ~~standard English braille];~~
 15 (3) "Student", any student who ~~[is blind or any student eligible for special education~~
 16 ~~services for visually impaired as defined in P.L. 94-142]~~ **has an impairment in vision that,**
 17 **even with correction, adversely affects a child's educational performance and who is**
 18 **determined eligible for special education services under the Individuals with Disabilities**
 19 **Education Act.**

20 2. All students ~~may~~ **shall** receive instruction in braille reading and writing as part of
 21 their individualized education plan **unless, as a result of an assessment, instruction in braille**
 22 **or the use of braille is determined not appropriate for the student.** No student shall be
 23 denied the opportunity of instruction in braille reading and writing solely because the student has
 24 some remaining vision.

25 3. Instruction in braille reading and writing shall be sufficient to enable each student to
 26 communicate effectively and efficiently at a level commensurate with his sighted peers of
 27 comparable grade level and intellectual functioning. The student's individualized education plan
 28 shall specify:

- 29 (1) How braille will be implemented as the primary mode for learning through
 30 integration with normal classroom activities. If braille will not be provided to a child who is
 31 blind, the reason for not incorporating it in the individualized education plan shall be
 32 documented therein;

- 33 (2) The date on which braille instruction will commence;
- 34 (3) The level of competency in braille reading and writing to be achieved by the end of
35 the period covered by the individualized education plan; and
- 36 (4) The duration of each session.
- 37 4. As part of the certification process, teachers certified in the education of blind and
38 visually impaired children shall be required to demonstrate competence in reading and writing
39 braille. The department of elementary and secondary education shall adopt assessment
40 procedures to assess such competencies which are consistent with standards adopted by the
41 National Library Service for the Blind and Physically Handicapped, Library of Congress,
42 Washington, D. C.

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.**

167.266. **1. Beginning with the 2017-18 school year, the board of education of a**
2 **school district or a charter school that is a local educational agency may establish an**
3 **academic and career counseling program in cooperation with parents and the local**
4 **community that is in the best interest of and meets the needs of students in the community.**
5 **School districts and local educational agencies may use the Missouri comprehensive**

6 guidance and counseling program as a resource for the development of a district's or local
7 educational agency's program. The department of elementary and secondary education
8 shall develop a process for recognition of a school district's academic and career counseling
9 program established in cooperation with parents and the local community no later than
10 January 1, 2018.

11 2. The state board of education shall promulgate rules and regulations for the
12 implementation of this section. Any rule or portion of a rule, as that term is defined in
13 section 536.010, that is created under the authority delegated in this section shall become
14 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
15 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
16 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
17 the effective date, or to disapprove and annul a rule are subsequently held
18 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
19 after August 28, 2017, shall be invalid and void.

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 rule making 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.**

168.133. 1. **The school district shall ensure that a criminal background check is**
2 **conducted on any person employed after January 1, 2005, authorized to have contact with pupils**
3 **and prior to the individual having contact with any pupil. Such persons include, but are not**
4 **limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,**
5 **cooks, and nurses. The school district shall also ensure that a criminal background check is**
6 **conducted for school bus drivers. The district may allow such drivers to operate buses pending**
7 **the result of the criminal background check. For bus drivers, the school district shall be**
8 **responsible for conducting the criminal background check on drivers employed by the school**
9 **district. For drivers employed by a pupil transportation company, a municipality, or any other**

10 **entity** under contract with the school district, the criminal background check shall be conducted
11 pursuant to section 43.540 and conform to the requirements established in the National Child
12 Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have
13 successfully undergone a criminal background check and a check of the family care safety
14 registry as part of the professional license application process under section 168.021 and who
15 have received clearance on the checks within one prior year of employment shall be considered
16 to have completed the background check requirement. A criminal background check under this
17 section shall include a search of any information publicly available in an electronic format
18 through a public index or single case display.

19 2. In order to facilitate the criminal history background check, the applicant shall submit
20 a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol.
21 The fingerprints shall be used by the highway patrol to search the criminal history repository and
22 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
23 history files.

24 3. The applicant shall pay the fee for the state criminal history record information
25 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee
26 determined by the Federal Bureau of Investigation for the federal criminal history record when
27 he or she applies for a position authorized to have contact with pupils pursuant to this section.
28 The department shall distribute the fees collected for the state and federal criminal histories to
29 the Missouri highway patrol.

30 4. The department of elementary and secondary education shall facilitate an annual check
31 of employed persons holding current active certificates under section 168.021 against criminal
32 history records in the central repository under section 43.530, the sexual offender registry under
33 sections 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183.
34 The department of elementary and secondary education shall facilitate procedures for school
35 districts to submit personnel information annually for persons employed by the school districts
36 who do not hold a current valid certificate who are required by subsection 1 of this section to
37 undergo a criminal background check, sexual offender registry check, and child abuse central
38 registry check. The Missouri state highway patrol shall provide ongoing electronic updates to
39 criminal history background checks of those persons previously submitted, both those who have
40 an active certificate and those who do not have an active certificate, by the department of
41 elementary and secondary education. This shall fulfill the annual check against the criminal
42 history records in the central repository under section 43.530.

43 5. The school district may adopt a policy to provide for reimbursement of expenses
44 incurred by an employee for state and federal criminal history information pursuant to section
45 43.530.

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

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

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

60 9. A criminal background check and fingerprint collection conducted under subsections
61 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one
62 school district to another district. A school district may, in its discretion, conduct a new criminal
63 background check and fingerprint collection under subsections 1 and 2 for a newly hired
64 employee at the district's expense. A teacher's change in type of certification shall have no effect
65 on the transferability or validity of such records.

66 10. Nothing in this section shall be construed to alter the standards for suspension,
67 denial, or revocation of a certificate issued pursuant to this chapter.

68 11. The state board of education may promulgate rules for criminal history background
69 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
70 section 536.010, that is created under the authority delegated in this section shall become
71 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
72 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
73 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
74 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
75 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
76 void.

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date, **days of planned attendance**, and providing a minimum term of at
3 least one hundred seventy-four days for schools with a five-day school week or one hundred
4 forty-two days for schools with a four-day school week, and one thousand forty-four hours of
5 actual pupil attendance. **In school year 2018-19 and subsequent years, one thousand forty-**

6 **four hours of actual pupil attendance shall be required for the school term with no**
7 **minimum number of school days.** In addition, such calendar shall include six make-up days
8 for possible loss of attendance due to inclement weather as defined in subsection 1 of section
9 171.033. **In school year 2018-19 and subsequent years, such calendar shall include thirty-**
10 **six make-up hours for possible loss of attendance due to inclement weather, as defined in**
11 **subsection 1 of section 171.033, with no minimum number of make-up days.**

12 2. Each local school district may set its opening date each year, which date shall be no
13 earlier than ten calendar days prior to the first Monday in September. No public school district
14 shall select an earlier start date unless, **for school years before school year 2018-19**, the district
15 follows the procedure set forth in subsection 3 of this section. **The procedure set forth in**
16 **subsection 3 of this section shall be unavailable to school districts in preparing their**
17 **calendars for school year 2018-19 and for subsequent years.**

18 3. **For calendars for school years before school year 2018-19**, a district may set an
19 opening date that is more than ten calendar days prior to the first Monday in September only if
20 the local school board first gives public notice of a public meeting to discuss the proposal of
21 opening school on a date more than ten days prior to the first Monday in September, and the local
22 school board holds said meeting and, at the same public meeting, a majority of the board votes
23 to allow an earlier opening date. If all of the previous conditions are met, the district may set its
24 opening date more than ten calendar days prior to the first Monday in September. The condition
25 provided in this subsection must be satisfied by the local school board each year that the board
26 proposes an opening date more than ten days before the first Monday in September.

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

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

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

37 ~~[7. No school day for schools with a five-day school week shall be longer than seven~~
38 ~~hours except for vocational schools which may adopt an eight-hour day in a metropolitan school~~
39 ~~district and a school district in a first class county adjacent to a city not within a county, and any~~
40 ~~school that adopts a four-day school week in accordance with section 171.029.]~~

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

3 2. **(1)** A district shall be required to make up the first six days of school lost or cancelled
4 due to inclement weather and half the number of days lost or cancelled in excess of six days if
5 the makeup of the days is necessary to ensure that the district's students will attend a minimum
6 of one hundred forty-two days and a minimum of one thousand forty-four hours for the school
7 year except as otherwise provided in this section. Schools with a four-day school week may
8 schedule such make-up days on Fridays.

9 **(2) Notwithstanding subdivision (1) of this subsection, in school year 2018-19 and**
10 **subsequent years, a district shall be required to make up the first thirty-six hours of school**
11 **lost or cancelled due to inclement weather and half the number of hours lost or cancelled**
12 **in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's**
13 **students attend a minimum of one thousand forty-four hours for the school year, except**
14 **as otherwise provided under subsections 3 and 4 of this section.**

15 3. **(1)** In the 2009-10 school year and subsequent years, a school district may be exempt
16 from the requirement to make up days of school lost or cancelled due to inclement weather in
17 the school district when the school district has made up the six days required under subsection
18 2 of this section and half the number of additional lost or cancelled days up to eight days,
19 resulting in no more than ten total make-up days required by this section.

20 **(2) In school year 2018-19 and subsequent years, a school district may be exempt**
21 **from the requirement to make up school lost or cancelled due to inclement weather in the**
22 **school district when the school district has made up the thirty-six hours required under**
23 **subsection 2 of this section and half the number of additional lost or cancelled hours up to**
24 **forty-eight, resulting in no more than sixty total make-up hours required by this section.**

25 4. The commissioner of education may provide, for any school district [~~in which schools~~
26 ~~are in session for twelve months of each calendar year]~~ that cannot meet the minimum school
27 calendar requirement of at least one hundred seventy-four days for schools with a five-day school
28 week or one hundred forty-two days for schools with a four-day school week and one thousand
29 forty-four hours of actual pupil attendance **or, in school year 2018-19 and subsequent years,**
30 **one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be
31 excused from such requirement. This waiver shall be requested from the commissioner of
32 education and may be granted if the school was closed due to circumstances beyond school
33 district control, including inclement weather[~~, flooding~~] or fire.

304.060. 1. The state board of education shall adopt and enforce regulations not
2 inconsistent with law to cover the design and operation of all school buses used for the
3 transportation of school children when owned and operated by any school district or privately

4 owned and operated under contract with any school district in this state, and such regulations
5 shall by reference be made a part of any such contract with a school district. The state board of
6 education may adopt rules and regulations governing the use of other vehicles owned by a district
7 or operated under contract with any school district in this state and used for the purpose of
8 transporting school children. The operator of such vehicle shall be licensed in accordance with
9 section 302.272, and such vehicle shall transport no more children than the manufacturer
10 suggests as appropriate for such vehicle. The state board of education may also adopt rules and
11 regulations governing the use of authorized common carriers for the transportation of students
12 on field trips or other special trips for educational purposes. Every school district, its officers
13 and employees, and every person employed under contract by a school district shall be subject
14 to such regulations. The state board of education shall cooperate with the state transportation
15 department and the state highway patrol in placing suitable warning signs at intervals on the
16 highways of the state.

17 **2. Notwithstanding the provisions of subsection 1 of this section, any school board**
18 **in the state of Missouri may contract with any municipality for the purpose of transporting**
19 **school children. Municipalities entering into any such contract shall comply with the**
20 **requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.**

21 **3.** Any officer or employee of any school district who violates any of the regulations or
22 fails to include obligation to comply with such regulations in any contract executed by him on
23 behalf of a school district shall be guilty of misconduct and subject to removal from office or
24 employment. Any person operating a school bus under contract with a school district who fails
25 to comply with any such regulations shall be guilty of breach of contract and such contract shall
26 be cancelled after notice and hearing by the responsible officers of such school district.

27 ~~[3-]~~ **4.** Any other provision of the law to the contrary notwithstanding, in any county of
28 the first class with a charter form of government adjoining a city not within a county, school
29 buses may bear the word "special".

~~171.029. 1. The school board of any school district in the state, upon
2 adoption of a resolution by the vote of a majority of all its members to authorize
3 such action, may establish a four-day school week or other calendar consisting
4 of less than one hundred seventy-four days in lieu of a five-day school week.
5 Upon adoption of a four-day school week or other calendar consisting of less than
6 one hundred seventy-four days, the school shall file a calendar with the
7 department of elementary and secondary education in accordance with section
8 171.031. Such calendar shall include, but not be limited to, a minimum term of
9 one hundred forty-two days and one thousand forty-four hours of actual pupil
10 attendance.~~

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

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, sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151,
4 167.241, 167.826, 167.827, and 167.890 of section A of this act are deemed necessary for the
5 immediate preservation of the public health, welfare, peace, and safety, and are hereby declared
6 to be an emergency act within the meaning of the constitution, and sections 160.011, 160.410,
7 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827, and 167.890
8 of section A of this act shall be in full force and effect on July 1, 2017, or upon its passage and
9 approval, whichever occurs later.

Section C. The repeal of section 171.029 of this act shall become effective July 1, 2018.

✓