

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 304, Page 25, Section 161.092, Line 123,

2 by inserting after all of said line the following:

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

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

12 (2) Determine the date the district shall [lapse] have  
13 its governing or managing authority suspended and determine,  
14 as provided in this section, an alternative governing  
15 structure for the district.

16 2. If at the time any school district in this state  
17 shall be classified as unaccredited, the department of  
18 elementary and secondary education shall conduct at least  
19 two public hearings at a location in the unaccredited school  
20 district regarding the accreditation status of the school  
21 district. The hearings shall provide an opportunity to  
22 convene community resources that may be useful or necessary  
23 in supporting the school district as it attempts to return  
24 to accredited status, continues under revised governance, or  
25 plans for continuity of educational services and resources  
26 upon its attachment to a neighboring district. The

27 department may request the attendance of stakeholders and  
 28 district officials to review the district's plan to return  
 29 to accredited status, if any; offer technical assistance;  
 30 and facilitate and coordinate community resources. Such  
 31 hearings shall be conducted at least twice annually for  
 32 every year in which the district remains unaccredited or  
 33 provisionally accredited.

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

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

39 (2) ~~["Lapse the corporate organization of all or part"]~~  
 40 Suspend the governing or managing authority of the elected  
 41 school board members of the unaccredited district and:

42 (a) Appoint a special administrative board for the  
 43 operation of ~~["all or part of"]~~ the district. ~~["If a special~~  
 44 ~~administrative board is appointed for the operation of a~~  
 45 ~~part of a school district, the state board of education~~  
 46 ~~shall determine an equitable apportionment of state and~~  
 47 ~~federal aid for the part of the district and the school~~  
 48 ~~district shall provide local revenue in proportion to the~~  
 49 ~~weighted average daily attendance of the part.]~~ The number  
 50 of members of the special administrative board shall ~~["not"]~~  
 51 be ~~["less than five"]~~ seven, ~~["the majority"]~~ four of whom,  
 52 provided that persons possessing the qualifications set  
 53 forth herein are residents of the district and ready,  
 54 willing, and able to serve, shall be residents of the  
 55 district. The members of the special administrative board  
 56 shall reflect the population characteristics of the district  
 57 and shall collectively possess strong experience in school  
 58 governance, management and finance, and leadership. One  
 59 member shall be a certified public school teacher from

60 outside the district or retired, one shall be a certified  
61 public school principal from outside of the district or  
62 retired, one shall be a certified public school  
63 superintendent or deputy or associate superintendent from  
64 outside of the district or retired, two shall be parents who  
65 have been active with the parents-teachers association or  
66 organization of the district, one shall be a college or  
67 university professor of educational administration, and one  
68 shall hold a degree and be experienced in accounting and or  
69 finance. The special administrative board shall meet not  
70 less than once per month. Each appointed member of the  
71 special administrative board shall receive a salary of five  
72 hundred dollars per month, and shall be reimbursed their  
73 reasonable expenses in attending to their duties as a member  
74 of the special administrative board payable from the  
75 district's revenue. Each member of the special  
76 administrative board shall be appointed to a term of three  
77 years and shall serve until his or her successor is  
78 appointed and qualified, unless sooner removed for good  
79 cause shown by the state board of education. Notice of the  
80 appointment of a person to the special administrative board  
81 shall be immediately given to each member of the general  
82 assembly whose district includes any part of the school  
83 district. Within fifteen days after the vote to appoint a  
84 member to the special administrative board, if a member of  
85 the Missouri house of representatives whose district  
86 includes any part of the school district, in whole or in  
87 part, submits a request to the president pro tempore of the  
88 senate, the appointment shall be subject to the advice and  
89 consent of the senate. If such request is made, the member  
90 whose appointment is subject to the advice and consent  
91 process shall abstain from all special administrative board  
92 duties until his or her appointment is confirmed. The

93 [state board of education may appoint] members of the  
94 district's elected school board [to] shall be ex-officio non-  
95 voting members of the special administrative board, [but  
96 members of the elected school board shall not comprise more  
97 than forty-nine percent of the special administrative  
98 board's membership] and thus may attend and participate in  
99 the meetings and committees of the special administrative  
100 board, but shall have no vote nor be counted to determine a  
101 quorum, and to that extent the district shall continue to  
102 elect members to its school board. Within fourteen days  
103 after the appointment by the state board of education, the  
104 appointed members of the special administrative board shall  
105 organize by the election of a president, vice president,  
106 secretary and a treasurer, with their qualifications,  
107 duties, and organization as enumerated in section 162.301.  
108 The special administrative board shall appoint a  
109 superintendent of schools to serve at the will of the board  
110 or for a term of not more than three years, to serve as the  
111 chief executive officer of the school district [, or a subset  
112 of schools,] and to have all powers and duties of any other  
113 general superintendent of schools in a seven-director school  
114 district. If the district has been classified as  
115 provisionally or fully accredited after two successive  
116 academic years, the superintendent's term may be renewed for  
117 an additional term of up to three years at the will of the  
118 special administrative board. Any special administrative  
119 board appointed under this section shall be responsible for  
120 the operation of the district [or part of the district]  
121 until such time that the district is classified by the state  
122 board of education as provisionally accredited for at least  
123 two successive academic years, after which time the state  
124 board of education [may] shall provide for a transition  
125 pursuant to section 162.083; or

126           (b) Upon failure of the district to be classified as  
127 provisionally or fully accredited for at least two  
128 successive academic years, the state board of education  
129 shall require the special administrative board to establish  
130 a specific plan and timeline for achieving accreditation,  
131 and determine an alternative [governing] educational or  
132 academic structure for the district including, at a minimum:

133           a. [A rationale for the decision to use an alternative  
134 form of governance and] In the absence of the district's  
135 achievement of provisional or full accreditation, the state  
136 board of education shall review and [recertify the  
137 alternative form of governance every three years] require  
138 the special administrative board to appoint a new  
139 superintendent of the school district for a term of not more  
140 than three years unless sooner removed at the will of the  
141 board;

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

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

148           d. Annual reports to the general assembly and the  
149 governor on the progress towards accreditation of any  
150 district that has been declared unaccredited and is placed  
151 under [an alternative form of] governance of a special  
152 administrative board, including a review of the  
153 effectiveness of the [alternative governance] special  
154 administrative board; or

155           (c) Attach the territory of the [lapsed] unaccredited  
156 district to another district or districts for school  
157 purposes [; or

158 (d) Establish one or more school districts within the  
159 territory of the lapsed district, with a governance  
160 structure specified by the state board of education, with  
161 the option of permitting a district to remain intact for the  
162 purposes of assessing, collecting, and distributing property  
163 taxes, to be distributed equitably on a weighted average  
164 daily attendance basis, but to be divided for operational  
165 purposes, which shall take effect sixty days after the  
166 adjournment of the regular session of the general assembly  
167 next following the state board's decision unless a statute  
168 or concurrent resolution is enacted to nullify the state  
169 board's decision prior to such effective date].

170 4. If a district remains under continued governance by  
171 the elected school board under subdivision (1) of subsection  
172 3 of this section and either has been unaccredited for three  
173 consecutive school years and failed to attain accredited  
174 status after the third school year or has been unaccredited  
175 for two consecutive school years and the state board of  
176 education determines its academic progress is not consistent  
177 with attaining accredited status after the third school  
178 year, then the state board of education shall proceed under  
179 subdivision (2) of subsection 3 of this section in the  
180 following school year.

181 5. A special administrative board [or any other form  
182 of governance] appointed under this section shall retain the  
183 authority granted to a board of education for the operation  
184 of the [lapsed] school district under the laws of the state  
185 in effect at the time of the [lapse] suspension of the  
186 governing or managing authority of the elected school board  
187 members and may enter into contracts with accredited school  
188 districts or other education service providers in order to  
189 deliver high-quality educational programs to the residents  
190 of the district. If a student graduates while attending a

191 school building in the district that is operated under a  
192 contract with an accredited school district as specified  
193 under this subsection, the student shall receive his or her  
194 diploma from the accredited school district. The authority  
195 of the special administrative board [or any other form of  
196 governance] appointed under this section shall expire at the  
197 end of the third full school year following its appointment,  
198 unless extended for not more than three full school years by  
199 the state board of education. No additional extensions  
200 shall be granted. Governance of the school district shall  
201 be returned to the elected board upon the expiration of the  
202 authority of the special administrative board. If the  
203 [lapsed] district is reassigned, the governing board prior  
204 to [lapse] reassignment shall provide an accounting of all  
205 funds, assets and liabilities of the [lapsed] reassigned  
206 district and transfer such funds, assets, and liabilities of  
207 the [lapsed] reassigned district as determined by the state  
208 board of education. Neither the special administrative  
209 board nor any other form of governance [appointed under this  
210 section] nor its members or employees shall be deemed to be  
211 the state or a state agency for any purpose, including  
212 section 105.711, et seq. The state of Missouri, its  
213 agencies and employees shall be absolutely immune from  
214 liability for any and all acts or omissions relating to or  
215 in any way involving the [lapsed] unaccredited district, a  
216 special administrative board, any other form of governance  
217 [appointed under this section], or the members or employees  
218 of the [lapsed] unaccredited district, a special  
219 administrative board, or any other form of governance  
220 [appointed under this section]. Such immunities, and  
221 immunity doctrines as exist or may hereafter exist  
222 benefitting boards of education, their members and their  
223 employees shall be available to the special administrative

224 board or any other form of governance [appointed under this  
225 section] and the members and employees of the special  
226 administrative board or any other form of governance  
227 [appointed under this section].

228         6. Neither the special administrative board nor any  
229 other form of governance [appointed under this section] nor  
230 any district or other entity assigned territory, assets or  
231 funds from [a lapsed] an unaccredited district shall be  
232 considered a successor entity for the purpose of employment  
233 contracts, unemployment compensation payment pursuant to  
234 section 288.110, or any other purpose.

235         7. If additional teachers are needed by a district as  
236 a result of increased enrollment due to the annexation of  
237 territory of [a lapsed] an unaccredited or dissolved  
238 district, such district shall grant an employment interview  
239 to any permanent teacher of the [lapsed] unaccredited or  
240 dissolved district upon the request of such permanent  
241 teacher.

242         8. In the event that a school district with an  
243 enrollment in excess of five thousand pupils [lapses]  
244 becomes unaccredited, no school district shall have all or  
245 any part of such [lapsed] school district attached without  
246 the approval of the board of the receiving school district.

247         9. If the state board of education reasonably believes  
248 that a school district is unlikely to provide for the  
249 minimum school term required by section 163.021 because of  
250 financial difficulty, the state board of education may,  
251 prior to the start of the school term:

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

255             (2) [Lapse the corporate organization] Suspend the  
256 governing or managing authority of the elected school board



257 members of the district and implement one of the options  
258 available under subdivision (2) of subsection 3 of this  
259 section.

260 10. The provisions of subsection 9 of this section  
261 shall not apply to any district solely on the basis of  
262 financial difficulty resulting from paying tuition and  
263 providing transportation for transfer students under  
264 sections 167.895 and 167.898.

265 162.083. 1. [The state board of education may appoint  
266 additional members to any special administrative board  
267 appointed under section 162.081.

268 2. The state board of education may set a final term  
269 of office for any member of a special administrative board,  
270 after which a successor member shall be elected by the  
271 voters of the district.

272 (1) All final terms of office for members of the  
273 special administrative board established under this section  
274 shall expire on June thirtieth.

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

278 (3) The election shall be conducted in a manner  
279 consistent with the election laws applicable to the school  
280 district.

281 3.] Nothing in [this] section 162.081 shall be  
282 construed as barring an otherwise qualified member of the  
283 special administrative board from standing for an elected  
284 term on the board, upon the dissolution of the special  
285 administrative board or upon his or her resignation from the  
286 special administrative board.

287 [4.] 2. Not later than six full school years following  
288 appointment of the special administrative board, on a date  
289 set by the state board of education, any district operating

290 under the governance of a special administrative board shall  
291 return to local governance, and continue operation as a  
292 school district as otherwise authorized by law."; and  
293 Further amend the title and enacting clause accordingly.