

FIRST REGULAR SESSION

HOUSE BILL NO. 106

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Pre-filed December 16, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0145L.011

AN ACT

To repeal section 162.856, RSMo, and to enact in lieu thereof one new section relating to the governing council of certain special school districts.

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

Section A. Section 162.856, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.856, to read as follows:

162.856. 1. In each special school district with a population in excess of one hundred thousand persons, there is hereby established a "Governing Council" which shall consist of one member of the board of education of each school district, all or a portion of which is contained in the special school district. The first governing council shall be formed on or before May 31, 1996, or the effective date of this section, May 24, 1996, whichever is later.

(1) Each member of the governing council shall be elected by the board of education of the school district on which the member serves. The board of education of a school district within the special school district may elect a new member to the governing council to fill a vacancy from that district and may replace the existing district member on the governing council at any time, upon providing written notice of the change to the secretary of the governing council.

(2) **The members of the governing council of a special school district in a county with a charter form of government and a population of more than one million inhabitants shall serve two-year terms that begin May first. Each governing council member may serve up to four terms. No member who has served for eight or more years by May 1, 2005, shall continue to serve after the effective date of this section nor shall any such**

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.

17 **member serve as governing council member until at least three other members of the board**
18 **of education of the school district on which the member serves have served as governing**
19 **council members for at least one term each or for a total of at least six years served by**
20 **other school board members on his or her own local board. Each board of education shall**
21 **elect a successor member for any member whose term has been ended pursuant to this**
22 **subdivision within thirty days of the effective date of this section.**

23 **(3) Each member of the governing council shall report the substance of each council**
24 **meeting to his or her board of education at the district's next board meeting.**

25 2. The governing council of a special school district shall have the following powers and
26 duties:

27 (1) To establish such rules and procedures as may be necessary to carry out its powers
28 and duties as provided in this section;

29 (2) To elect a chairman, a secretary and such other officers as it deems necessary;

30 (3) To review and give final approval of the annual budget of the special school district
31 subject to the following provisions:

32 (a) For the 1996-97, 1997-98 and 1998-99 school years, the board of education of a
33 special school district shall submit its proposed budget to the governing council no later than
34 April first prior to the beginning of the school year, except that, for the 1996-97 school year only,
35 the board of education shall submit its proposed budget to the governing council no later than
36 thirty days after May 24, 1996. The governing council shall then either accept this budget
37 proposal or make any amendments it deems appropriate and adopt the annual budget as amended
38 no later than sixty days after receipt of the proposed budget;

39 (b) For the 1999-2000 school year and each school year thereafter:

40 a. The board of education of a special school district shall develop, in cooperation with
41 the governing council, its annual budget which shall, following adoption by the board, be
42 submitted to the governing council no later than April first prior to the beginning of the school
43 year for final approval;

44 b. The governing council shall accept or reject the proposed budget by May first prior
45 to the beginning of the school year. If rejected, the proposed budget shall be returned to the
46 board of education no later than May first with a statement setting forth the reasons for the
47 rejection;

48 c. The governing council and the board of education shall resolve any differences
49 regarding approval of the budget by June thirtieth prior to the beginning of the school year;

50 (4) To annually review, conduct public hearings on and approve a rolling five-year plan
51 for the operation and management of the district which shall be annually developed by the board
52 of education of the special school district. The plan shall contain, but not be limited to, the

53 following:

54 (a) The delivery of services;

55 (b) The structure, governance, administration and financial management of the district;

56 (c) Cooperation with component school districts; and

57 (d) Responsiveness to the needs and concerns of the citizens of the special school
58 district.

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60 The plan shall be first approved by the governing council on or before December 31, 1996, and
61 shall be reviewed and approved annually on or before December thirty-first of each following
62 year;

63 (5) To consult with the parental advisory committee established in section 162.858;

64 (6) To hold at least four meetings per school year and such other meetings, called by the
65 chairman of the council, a majority of the council members or the board of education of the
66 special school district, as may be necessary to transact business and fulfill the duties established
67 under this section. All meetings of the governing council shall be open to the public, pursuant

68 to chapter 610, RSMo, **and notice of such meetings shall be posted at local district offices.**
69 Minutes shall be kept of all proceedings, **shall be provided to all boards of education of**
70 **member districts**, and shall be a public record;

71 (7) To compel the attendance of the superintendent, members of the board of education,
72 or any employee of the special school district and the production of papers, records, testimony,
73 and other materials relating to the special school district, and to administer oaths to witnesses
74 and take testimony under oath;

75 (8) To conduct a study to determine whether a plan should be developed whereby the
76 local school districts assume greater responsibility and authority in the education of children with
77 disabilities.

78 3. Unless a greater majority is otherwise required, all actions of the governing council
79 shall require a majority of the authorized members who represent at least fifty percent of the
80 population of the district. Population figures shall be adjusted based on the latest census data
81 available.