

FIRST REGULAR SESSION

# HOUSE BILL NO. 409

93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VOGT.

Read 1<sup>st</sup> time February 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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## AN ACT

To repeal section 162.666, RSMo, and to enact in lieu thereof one new section relating to the St. Louis students' bill of rights, with an emergency clause.

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

Section A. Section 162.666, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.666, to read as follows:

162.666. 1. The provisions of this section shall be known and may be cited as the ["St. Louis] "**Metropolitan School District** Students' Bill of Rights".

2. For the purposes of this section, "district" means a metropolitan school district, as defined in section 160.011, RSMo.

3. Each district shall reinstitute the basic kindergarten through eighth grade system of grade schools within the district.

4. Every child within the district of the appropriate age and appropriate aptitude for discipline and openness to instruction shall have the right to attend a basic kindergarten through eighth grade school.

5. Every child within the district shall have the right to attend such school closest to such child's home.

6. Every child within the district shall have the right to transfer to any other such school within the district.

7. The district shall have the right to transport children to relieve overcrowding.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 Transportation to relieve overcrowding shall be performed in such a manner as to fill in school  
16 seats in buildings that have surplus seats, but shall not be permitted to displace any child who  
17 has elected to attend the school located closest to such child's home.

18 8. The per pupil expenditure of funds for the cost of education shall be equalized to the  
19 greatest extent possible, with appropriate variation allowable in order to accommodate the  
20 special remedial needs of children who test below grade level and the needs of gifted children.

21 9. Schools for gifted children with accelerated academic programs shall be established  
22 and evenly distributed across the district. The district shall have the right to transport children  
23 to and from schools for the gifted. Children who attend schools for the gifted shall have the right  
24 to attend such school which is located closest to such child's home and shall have the right to  
25 transfer to or attend any other school for the gifted within the district.

26 10. The provisions of the [St. Louis] **metropolitan school district** students' bill of rights  
27 shall only become effective upon approval by a majority of [the voters of the city of St. Louis  
28 voting thereon. The governing board of the transitional district established pursuant to section  
29 162.1100 may conduct a legal analysis of the program enumerated in this section, shall publish  
30 any such analysis and make the analysis available to the public and shall propose, to the extent  
31 that the program is consistent with the Missouri and United States Constitutions, place before  
32 the voters of the city of St. Louis no later than March 15, 1999, a proposal to implement the  
33 program] **those voting on the issue within the district. The board of election commissioners**  
34 **responsible for the conduct of elections in any metropolitan school district shall submit the**  
35 **issue to a vote on the first regularly scheduled election day after the effective date of this**  
36 **section for which the issue meets the legal requirements for placement on the ballot, or as**  
37 **soon thereafter as is legally permissible if prohibited by order of a court of competent**  
38 **jurisdiction from placing the issue on the ballot on the first available election day after the**  
39 **effective date of this section for which the issue meets the legal requirements for placement**  
40 **on the ballot. Nothing in this subsection shall be construed as prohibiting the holding of**  
41 **a special election on the issue.** If approved by a majority of such voters, the program shall be  
42 implemented consistent with the Missouri and United States Constitutions.

43 11. The proposal shall be submitted substantially as follows:

44 Shall the [St. Louis] School District reinstitute the basic kindergarten through eighth  
45 grade neighborhood school system within the district and be required to permit students to attend  
46 the school closest to their home?

47  YES  NO

48

49 Section B. Because immediate action is necessary to address the rights of students in  
50 metropolitan school districts section A of this act is deemed necessary for the immediate

51 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
52 emergency act within the meaning of the constitution, and section A of this act shall be in full  
53 force and effect upon its passage and approval.