

SECOND REGULAR SESSION

HOUSE BILL NO. 1227

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HINSON.

4980L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 167.131, 167.241, and 171.031, RSMo, and to enact in lieu thereof five new sections relating to unaccredited school districts, with an emergency clause.

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

Section A. Sections 167.131, 167.241, and 171.031, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 167.131, 167.133, 167.135, 167.241, and 171.031, to read as follows:

167.131. 1. The board of education of each district in this state that does not maintain [an accredited] **a high school** [pursuant to the authority of the state board of education to classify schools as established in section 161.092] **offering work through the twelfth grade** shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends [an accredited] **a public high school** in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average

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 daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts
18 shall be submitted to the state board of education, and its decision in the matter shall be final.
19 Subject to the limitations of this section, each pupil shall be free to attend the public school of
20 his or her choice.

**167.133. 1. (1) The board of education of each district in this state that has been
2 declared unaccredited pursuant to the authority of the state board of education to classify
3 schools as established in section 161.092 shall pay tuition and provide transportation
4 consistent with the provisions of section 167.241 for each student resident therein who
5 meets the criteria of this section.**

**6 (2) The rate of tuition to be charged by the district attended and paid by the
7 sending district is the per-pupil cost of maintaining the district's grade-level grouping
8 which includes the school attended. The cost of maintaining a grade-level grouping shall
9 be determined by the board of education of the district but in no case shall it exceed all
10 amounts spent for teachers' wages, incidental purposes, debt service, maintenance, and
11 replacements. The term "debt service", as used in this section, means expenditures for the
12 retirement of bonded indebtedness and expenditures for interest on bonded indebtedness.
13 Per-pupil cost of the grade-level grouping shall be determined by dividing the cost of
14 maintaining the grade-level grouping by the average daily pupil attendance. If there is
15 disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state
16 board of education, and its decision in the matter shall be final. Subject to the limitations
17 of this section, each student shall be free to attend the public school of his or her choice.**

**18 2. A student who resides in an unaccredited district may transfer to a public school
19 in another district of the same or an adjoining county if the receiving district is accredited
20 without provisions by the state board of education and the student follows the procedures
21 required by this section. Before a student who attends a public school in an unaccredited
22 district may transfer to an accredited district in the same or an adjoining county, the
23 unaccredited district shall determine if there is sufficient capacity in a district school
24 offering the student's grade level of enrollment that is accredited by the state board of
25 education under section 161.096. If such capacity exists, the student shall remain enrolled
26 in the unaccredited district and attend the accredited school, provided that the student
27 meets any admissions requirements criteria if the school is a magnet school, academically
28 selective school, or school with a competitive entrance process.**

**29 3. By August 30, 2014, each local school board shall establish specific criteria for
30 the admission of nonresident students from unaccredited districts who seek admission into
31 an accredited district under this section. By August 30, 2014, each local school board shall
32 adopt and publish a policy for class size and student-teacher ratios for all grade levels**

33 based on, at a minimum, the criteria established under this subsection. When adopting its
34 policy, each school board shall consider the class size and assigned enrollment standards
35 of the Missouri school improvement program's resource standards, including the desirable
36 standard and minimum standard. Each local school board shall also base its policy for
37 class size and student-teacher ratios on the district's student enrollment for the previous
38 three school years and consider the district's resident student population growth or
39 decrease, based on demographic projections provided by the office of socioeconomic data
40 analysis, such that the receiving district shall not be required to employ additional teachers
41 or construct new classrooms to accommodate transfer students from unaccredited districts.
42 Each local school board may consider other factors and criteria when adopting its policy.
43 No resident student shall be displaced from a school to which he or she would otherwise
44 be assigned to accommodate the admission of a nonresident student. Each district shall,
45 as necessary, modify and publish revised policies annually by January fifteenth to be
46 effective for the following school year.

47 4. The school board of each accredited district located in the same county as, or in
48 an adjoining county to, an unaccredited district shall publicly post on its internet website
49 a student transfer application, the district's admissions process, and the current available
50 enrollment slots by grade level.

51 5. A parent or guardian who seeks to transfer his or her child from his or her
52 unaccredited district of residence to an accredited district located in the same or an
53 adjoining county shall send notification to the school district of residence and the receiving
54 district of his or her intent to enroll the child in the receiving district. The parent or
55 guardian shall provide such notification by February first for enrollment the following
56 school year. If a clearinghouse has been established under section 167.135, a parent or
57 guardian who resides in a district subject to the clearinghouse shall follow all procedures
58 and deadlines required by section 167.135 and the clearinghouse.

59 6. A parent or guardian who seeks to transfer his or her child may apply for a
60 specific building assignment within a receiving district, including applying to attend a
61 technical high school if the district operates one. The receiving district shall determine the
62 final building assignment for transfer students.

63 7. If an accredited district does not have sufficient capacity to enroll all students
64 from unaccredited districts who submit a timely application, the district shall institute an
65 admissions process to ensure all applicants an equal chance of admission except that an
66 accredited district may give preference for admission to siblings of children who are
67 already enrolled in the district under this section or who have been selected earlier in the
68 admissions process.

69 **8. All accountability data and performance data, including but not limited to**
70 **statewide assessment scores, achievement data, attendance data, and graduation figures,**
71 **of students who transfer from an unaccredited district to an accredited district under this**
72 **section shall not be included in the district and building annual performance reports of the**
73 **receiving accredited district for two full school years.**

74 **9. An accredited district shall not charge tuition to an unaccredited district until**
75 **such time as students are enrolled and attending in the accredited district. Tuition charges**
76 **shall cease when a student is no longer enrolled in the accredited district. Tuition billings**
77 **shall be calculated based upon hours of actual attendance at the receiving district. A**
78 **receiving district shall provide documentation to the unaccredited district that includes the**
79 **name of each transfer student, hours of attendance for the billing period for each student,**
80 **and the student's state identification number for the department-developed student-level**
81 **record system. An unaccredited district shall remit tuition payments to any accredited**
82 **district in which its resident students have enrolled under this section within ten business**
83 **days after receiving its monthly state aid distribution. If an unaccredited district does not**
84 **send tuition payments to a receiving district, the department of elementary and secondary**
85 **education shall withhold the full amount of unpaid tuition associated with each**
86 **transferring student from the unaccredited district's state aid and distribute such amount**
87 **to the receiving district within sixty days of the unaccredited district's payment**
88 **delinquency. If there is a tuition disagreement between districts, or a lapse in tuition**
89 **payments, any student enrolled in an accredited district shall be permitted to complete the**
90 **school year at his or her school of enrollment in the accredited district irrespective of the**
91 **tuition payment status.**

92 **10. If an unaccredited district becomes classified as provisionally accredited or**
93 **accredited without provisions by the state board of education, resident students of the**
94 **unaccredited district who are enrolled in an accredited district in the same or an adjoining**
95 **county under this section shall be permitted to continue their educational program in the**
96 **accredited district in the following manner:**

97 **(1) A student enrolled in kindergarten through eighth grade may continue his or**
98 **her educational program until he or she has completed the eighth grade in the receiving**
99 **district. Upon completion of the eighth grade, the student shall return to his or her district**
100 **of residence;**

101 **(2) A student enrolled in grades nine through twelve may continue his or her**
102 **educational program until he or she has completed the twelfth grade.**

103 **11. The parent or guardian of a student with a disability residing in an**
104 **unaccredited district may transfer his or her student to an accredited district in the same**

or an adjoining county. The receiving accredited district shall follow the student's existing IEP until the student's IEP team at the receiving accredited district, including the parent or guardian, can complete the process for review and revision. Receiving accredited districts that are component districts of a special school district shall have joint responsibility with the special school district to provide special education services. Receiving districts that are not component districts of a special school district shall be responsible for providing special education services for transfer students from unaccredited districts. Special education services for transfer students from an unaccredited district not located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants shall be the responsibility of the receiving accredited district. A student's unaccredited district of residence shall be responsible for the cost of educating a student with an IEP that exceeds the tuition amount in subsection 1 of this section.

12. An unaccredited district shall be responsible for providing transportation to an accredited district for a transfer student with an IEP, notwithstanding any subsequent changes to the student's IEP by a receiving accredited district.

13. For purposes of this section the following terms shall mean:

(1) "Accredited district", a school district that is accredited without provisions by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092;

(2) "IEP", an individualized education program;

(3) "Unaccredited district", a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092.

167.135. 1. When the state board of education classifies a metropolitan school district as unaccredited or any school district located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants as unaccredited, the department of elementary and secondary education shall establish a clearinghouse, as provided in this section, to assist students to transfer from unaccredited districts to accredited districts under section 167.133.

2. For purposes of this section the following terms shall mean:

(1) "Accredited district", a school district that is accredited without provisions by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092;

11 (2) "Clearinghouse", a neutral third party appointed by the department of
12 elementary and secondary education to coordinate student transfers from unaccredited
13 districts to accredited districts;

14 (3) "Unaccredited district", a school district classified as unaccredited by the state
15 board of education pursuant to the authority of the state board of education to classify
16 schools as established in section 161.092.

17 3. The clearinghouse shall make information and assistance available to parents or
18 guardians who intend to transfer their child from an unaccredited district to an accredited
19 district under section 167.133. The clearinghouse shall coordinate student transfers and
20 assign students who seek to transfer.

21 4. The parent or guardian of a student residing in an unaccredited district who
22 intends to enroll his or her child in an accredited district under the provisions of this
23 section shall send initial notification to the student's school district of residence and the
24 clearinghouse by February first for enrollment in the subsequent school year. Each parent
25 or guardian of a student who provides notice of intent to transfer from an unaccredited
26 district to an accredited district under this section shall do so on forms prescribed by the
27 department of elementary and secondary education. The parent or guardian of a student
28 who seeks to transfer may provide to the clearinghouse a list of schools or districts in which
29 the student would like to enroll. The clearinghouse shall process requests to transfer in the
30 order in which they are received except that the clearinghouse may give a preference to
31 students with a sibling who already attends an accredited district and who apply to attend
32 the same district. If there is insufficient capacity to enroll all students who wish to transfer,
33 the clearinghouse shall institute an admissions process.

34 5. Each accredited district in the same county or in an adjoining county to an
35 unaccredited district shall annually report the number of available enrollment slots by
36 grade level to the clearinghouse, on a date specified by the clearinghouse.

37 6. (1) If a parent or guardian fails to file the initial notification forms by the
38 deadline specified in subsection 4 of this section, and satisfies the definition of good cause
39 as defined in subdivision (3) of this subsection, or if the request is to enroll a child in an
40 accredited district under this section for kindergarten or first grade or in any grade if a
41 child is moving into Missouri or into the district for the first time, the parent or guardian
42 shall be permitted, if accepted, to enroll the child in the other district in the same manner
43 as if the deadline had been met.

44 (2) Until the last Friday in March of that calendar year, the parent or guardian
45 requesting transfer shall send notification to the district of residence and the clearinghouse,
46 on forms prescribed by the department of elementary and secondary education, that good

47 cause, as defined in subdivision (3) of this subsection, exists for failure to meet the deadline.
48 The clearinghouse shall take action to approve the request if good cause exists. A denial
49 of a request by the clearinghouse is not subject to appeal.

50 (3) For purposes of this section, "good cause" means a change in a child's residence
51 due to a change in family residence, a change in the marital status of a child's parent or
52 parents, a guardianship or custody change, placement in foster care, adoption,
53 participation in a substance abuse or mental health treatment program, or student health
54 or safety concerns; or a change in the status of a child's district of residence, such as
55 removal of accreditation by the state board of education, permanent closure of a public or
56 nonpublic school that the child attends, or revocation of the charter of the charter school
57 attended by the child as provided in section 160.405. If the good cause relates to a change
58 in status of a child's school district of residence, however, action by a parent or guardian
59 must be taken to file the notification within forty-five days of the last official action relating
60 to such status. Student health or safety concerns shall include, but not be limited to,
61 ongoing bullying, supported by official school reports, sexual misconduct complaints,
62 reports, or investigations, and drug or alcohol concerns with peers. If the district does not
63 agree with the parent's or child's concerns, a written notice of need for relocation from a
64 medical or mental health professional shall suffice to satisfy good cause under this
65 subsection.

66 7. The clearinghouse may contract with a school district, any voluntary interdistrict
67 council, or any private entity for transportation services.

68 8. The expenses associated with the administration of student transfers under this
69 section shall be defrayed by the department of elementary and secondary education
70 retaining funds to cover the cost of administration from the state school aid withheld from
71 a transfer student's district of residence.

167.241. Transportation for pupils whose tuition the district of residence is required to
2 pay by section 167.131, **section 167.133**, or who are assigned as provided in section 167.121
3 shall be provided by the district of residence; however, in the case of pupils covered by section
4 167.131 **or 167.133**, the district of residence shall be required to provide transportation only to
5 school districts accredited by the state board of education pursuant to the authority of the state
6 board of education to classify schools as established in section 161.092 and those school districts
7 designated by the board of education of the district of residence. **For purposes of this section,**
8 **the phrase "school districts accredited by the state board of education" shall mean school**
9 **districts that are accredited without provision by the state board of education pursuant to**
10 **the authority of the state board of education to classify schools as established in section**
11 **161.092.**

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

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

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

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

7. No school day for schools with a five-day school week shall be longer than seven hours except for:

(1) Vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county[, and] ;

(2) Any school that adopts a four-day school week in accordance with section 171.029; **and**

37 **(3) Any school district that is classified as unaccredited by the state board of**
38 **education that follows the procedure in subsection 8 of this section.**

39 **8. The school board of any district classified as unaccredited by the state board of**
40 **education, upon adoption of a resolution by a majority vote to authorize such action, may**
41 **do any or all of the following measures:**

42 **(1) Increase the length of the school day;**

43 **(2) Increase the annual hours of instruction above the required number of hours**
44 **in subsection 1 of this section;**

45 **(3) Increase the length of the school term.**

46 Section B. Because of the importance of providing guidance to school districts on
47 student transfers, this act is deemed necessary for the immediate preservation of the public
48 health, welfare, peace and safety, and is hereby declared to be an emergency act within the
49 meaning of the constitution, and this act shall be in full force and effect upon its passage and
50 approval.

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