

SECOND REGULAR SESSION

HOUSE BILL NO. 2217

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MITTEN.

5768L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 161, RSMo, by adding thereto one new section relating to student transfers.

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

Section A. Chapter 161, RSMo, is amended by adding thereto one new section, to be
2 known as section 161.853, to read as follows:

**161.853. 1. As authorized under its duty to classify the schools of the state under
2 section 161.092, the state board of education shall adopt a system of classification that
3 accredits individual school buildings within an unaccredited district. This system shall be
4 used only to classify the individual schools operated by any district that the state board of
5 education has classified as unaccredited.**

**6 2. Notwithstanding the provisions of subdivision (9) of section 161.092 to the
7 contrary, the rules and regulations promulgated under this section shall be effective thirty
8 days after publication in the code of state regulations as provided in section 536.021 and
9 shall not be subject to the two-year delay contained in subdivision (9) of section 161.092.**

**10 3. Notwithstanding any provision of section 167.121 or any other provision of law,
11 students attending school in buildings classified as accredited under the classification
12 system established under subsection 1 of this section located within districts that are
13 classified as unaccredited as a whole by the state board of education shall not be eligible
14 to transfer to any other school district. Any student attending school in a building
15 classified as unaccredited under the classification system established under subsection 1
16 of this section shall be eligible only to transfer to another school building that is classified
17 as accredited that is located within a student's unaccredited resident district. If every
18 school building classified as accredited in a student's resident district is at maximum**

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.

19 capacity, a student shall be allowed to transfer to an accredited school building in an
20 adjoining accredited district. In the event a student is eligible to transfer to an accredited
21 school building in an adjoining district:

22 (1) The receiving district shall not be required to accept students beyond a ninety-
23 five percent maximum capacity; and

24 (2) The tuition paid to the receiving district by the unaccredited district shall not
25 exceed the per-pupil cost of the unaccredited district.

26 4. For purposes of this section, "school building" means a structure or structures
27 dedicated to housing teachers and students in the instructional process that are assigned
28 an individual school number by the department of elementary and secondary education.

29 5. The state board of education shall promulgate rules and regulations to
30 implement the provisions of this section. Any rule or portion of a rule, as that term is
31 defined in section 536.010, that is created under the authority delegated in this section shall
32 become effective only if it complies with and is subject to all of the provisions of chapter
33 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and
34 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
35 to delay the effective date, or to disapprove and annul a rule are subsequently held
36 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
37 after August 28, 2014, shall be invalid and void.

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