

SECOND REGULAR SESSION

HOUSE BILL NO. 2194

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCNEIL.

6086L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.053, 160.054, 160.055, and 167.131, RSMo, and to enact in lieu thereof eight new sections relating to school accreditation.

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

Section A. Sections 160.053, 160.054, 160.055, and 167.131, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.053, 160.054, 160.055, 161.091, 162.1265, 163.018, 167.131, and 167.132, to read as follows:

160.053. 1. **If a school district maintains a prekindergarten program, a child is eligible for admission to that prekindergarten program only if the child has reached the age of three before the first day of August of the school year beginning in that calendar year.** If a school district maintains a kindergarten program, a child is eligible for admission to kindergarten and to the summer school session immediately preceding kindergarten, if offered, if the child reaches the age of five before the first day of August of the school year beginning in that calendar year or if the child is a military dependent who has successfully completed an accredited prekindergarten program or has attended an accredited kindergarten program in another state. A child is eligible for admission to first grade if the child reaches the age of six before the first day of August of the school year beginning in that calendar year or if the child is a military dependent who has successfully completed an accredited kindergarten program in another state.

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term in a metropolitan school district or an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and

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 subsequently transferring to another school district in this state in which the child's birth date
18 would preclude such child's eligibility for entrance shall be deemed eligible for attendance and
19 shall not be required to meet the minimum age requirements. The receiving school district shall
20 receive state aid for the child, notwithstanding the provisions of section 160.051.

21 3. Any child who completes the kindergarten year shall not be required to meet the age
22 requirements of a district for entrance into grade one.

23 4. The provisions of this section relating to kindergarten instruction and state aid therefor
24 shall not apply during any particular school year to those districts which do not provide
25 kindergarten classes that year.

160.054. 1. Notwithstanding any provisions of sections 160.051 and 160.053, to the
2 contrary, beginning with the 1997-98 school year, all metropolitan school districts, except as
3 provided in subsection 2 of this section, may establish and enforce a regulation which requires
4 that a child shall have attained the age of **three by August first for purposes of**
5 **prekindergarten if a school district maintains such a program, the age of** five for purposes
6 of kindergarten and summer school prior to a kindergarten school term, and the age of six for
7 purposes of grade one, on or before any date between August first and October first of that year.
8 The school district shall receive state aid for any child admitted to kindergarten, summer school
9 prior to kindergarten, or grade one pursuant to this section, notwithstanding the provisions of
10 section 160.051.

11 2. Any kindergarten or grade one pupil beginning the school term and any pupil
12 beginning summer school prior to a kindergarten school term in a metropolitan school district
13 and subsequently transferring to another school district in this state in which the child's birth date
14 would preclude such child's eligibility for entrance shall be deemed eligible for attendance and
15 shall not be required to meet the minimum age requirements. The receiving school district shall
16 receive state aid for the child, notwithstanding the provisions of section 160.051.

17 3. Any child who completes the kindergarten year in a metropolitan school district shall
18 not be required to meet the minimum age requirements of another school district in this state for
19 entrance into grade one.

20 4. The provisions of subsections 1 and 2 of this section, relating to kindergarten
21 instruction and state aid therefor, shall not apply during any particular school year to those
22 districts which do not provide kindergarten classes that year.

160.055. 1. Notwithstanding any provisions of sections 160.051 and 160.053, to the
2 contrary, beginning with the 1997-98 school year, all urban school districts containing the greater
3 part of the population of a city which has more than three hundred thousand inhabitants, except
4 as provided in subsection 2 of this section, may establish and enforce a regulation which requires
5 that a child shall have attained the age of **three by August first for purposes of**

6 **prekindergarten if a school district maintains such a program, the age of** five for purposes
7 of kindergarten and summer school prior to a kindergarten school term, and the age of six for
8 purposes of grade one, on or before any date between August first and October first of that year.
9 The school district shall receive state aid for any child admitted to kindergarten, summer school
10 prior to kindergarten, or grade one pursuant to this section, notwithstanding the provisions of
11 section 160.051.

12 2. Any kindergarten or grade one pupil beginning the school term and any pupil
13 beginning summer school prior to a kindergarten school term in an urban school district in this
14 state containing the greater part of the population of a city which has more than three hundred
15 thousand inhabitants and subsequently transferring to another school district in this state in which
16 the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible
17 for attendance and shall not be required to meet the minimum age requirements. The receiving
18 school district shall receive state aid for the child, notwithstanding the provisions of section
19 160.051.

20 3. Any child who completes the kindergarten year in an urban school district containing
21 the greater part of the population of a city which has more than three hundred thousand
22 inhabitants shall not be required to meet the minimum age requirements of another school district
23 in this state for entrance into grade one.

24 4. The provisions of subsections 1 and 2 of this section, relating to kindergarten
25 instruction and state aid therefor, shall not apply during any particular school year to those
26 districts which do not provide kindergarten classes that year.

161.091. 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 a district separately from the district as a**
4 **whole for districts that are unaccredited.**

5 2. For each provisionally accredited and unaccredited district, a school
6 improvement team shall be created by the department of elementary and secondary
7 education in consultation with the district. The department may select members of the
8 team at its discretion; where appropriate, the team may include representatives of
9 regionally affiliated districts and the regional professional development center. The team's
10 duties shall include, but not be limited to:

11 (1) Analyzing resources and targeting funds to meet the needs of students;

12 (2) Achieving equity of funds and resources through the careful monitoring of
13 needs assessments;

14 (3) Improving stability in leadership and staff;

15 (4) Improving the quality of leadership and staff through a comprehensive
16 evaluation and feedback system that allows for continuous improvement in instruction for
17 all students;

18 (5) Utilizing data to identify individual academic needs of students;

19 (6) Analyzing curricula;

20 (7) Assessing the need for and providing professional development, tailored to the
21 needs of administrators and staff.

22 3. At each provisionally accredited or unaccredited school in an unaccredited
23 school district, the school district, in consultation with the department of elementary and
24 secondary education, shall create a school improvement action committee, to be composed
25 of the principal, two teachers, two parents, a noncertificated employee, two community
26 members representing nonprofit organizations, and as many additional members as the
27 department recommends for their expertise in needed subjects. The school improvement
28 action committee shall:

29 (1) Recommend tools and strategies to improve school climate, discipline, and
30 culturally responsive instruction;

31 (2) Work with community organizations to expand the community-school efforts
32 that are already in place and are having a positive impact on the student, families, and
33 school staff;

34 (3) Establish a parent and family resource center in each school as a locus for
35 wraparound services; and

36 (4) Survey and identify parental needs, and establish programs to meet those needs
37 to the extent resources are available, and pursue additional resource for their
38 establishment.

39 4. When the state board of education classifies a district as provisionally accredited,
40 it shall identify any underperforming schools within the provisionally accredited district
41 and may work with the district and the community to develop interventions specific to
42 them and may direct the school district to create a school improvement action committee.
43 If a provisionally accredited district does not show sustained growth within a period of
44 time not to exceed five years, the state board of education shall classify it as unaccredited.

162.1265. 1. The department of elementary and secondary education shall develop
2 and implement a grant program for unaccredited and provisionally accredited districts
3 that commit to extended instructional time for the purpose of improving academic
4 achievement, including but not limited to early childhood education. Such grants shall be
5 for a two-year term and shall be renewable for up to three additional two-year terms.

6 2. To be eligible for a grant a school district shall:

7 (1) Demonstrate that it has analyzed its current use of instructional time and
8 determined the potential effects of additional instructional time on student academic
9 achievement. The analysis shall also include a study of the potential effects of extended
10 instructional time on assignments of personnel and on the need for professional
11 development; and

12 (2) Provide a rationale for the method of adding instructional time, whether it is
13 a longer school year, longer day, fewer days between school years or school terms, or early
14 childhood program, as applied to the chosen target student population which may include
15 an entire school district, particular building, or small group.

16 3. Grant award amounts shall be proportional to additional instructional time over
17 the minimum hours required by law and the average daily attendance rate of the affected
18 students. Unaccredited districts shall receive priority.

19 4. There is hereby established in the state treasury a fund to be known as the
20 "Extended Instructional Time Fund", which shall consist of all moneys that may be
21 appropriated to it by the general assembly, and in addition may include any gifts,
22 contributions, grants, or bequests received from federal, state, private, or other sources.
23 The fund shall be administered by the department of elementary and secondary education.
24 The state treasurer shall be custodian of the fund and may approve disbursements from
25 the fund in accordance with sections 30.170 and 30.180. Upon appropriation, moneys in
26 the fund shall be used solely for the administration of the extended instructional time
27 program; however, if the fund contains less than one hundred thousand dollars, the
28 department may postpone awarding grants until the fund reaches one hundred thousand
29 dollars. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
30 remaining in the fund at the end of the biennium shall not revert to the credit of the
31 general revenue fund. The state treasurer shall invest moneys in the fund in the same
32 manner as other funds are invested. Any interest and moneys earned on such investments
33 shall be credited to the fund.

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

163.018. 1. Notwithstanding the definition of average daily attendance in subdivision (2) of section 163.011 to the contrary, pupils ages three and four who are eligible for free and reduced lunch and attend an early childhood education program that:

- (1) Is operated by and in a district or by a charter school either of which provides full-day kindergarten; and**
- (2) Meets standards established by the state board of education,**

shall be included in the district's calculation of average daily attendance provided that, for any district or charter school, the total number of three- and four-year-old pupils so included in the definition of average daily attendance shall not exceed four percent of the total number of pupils between the ages of three and eighteen who are included in the district's or charter school's calculation of average daily attendance.

2. (1) For all those school districts that have been declared unaccredited by the state board of education and remain unaccredited as of July 1, 2014, the provisions of this section shall become applicable beginning in the 2014-15 school year;

(2) For any school district that is declared unaccredited by the state board of education after July 1, 2014, the provisions of this section shall become applicable immediately upon such declaration;

(3) For all those school districts that have been declared provisionally accredited by the state board of education and remain provisionally accredited as of July 1, 2014, the provisions of this section shall become applicable beginning in the 2015-16 school year;

(4) For any school district that is declared provisionally accredited by the state board of education after July 1, 2014, the provisions of this section shall become applicable beginning in the 2015-16 school year or immediately upon such declaration, whichever is later;

(5) The provisions of this section shall become applicable for all districts not covered by subdivisions (1) through (4) of this subsection in any school year subsequent to a school year in which the amount appropriated under subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined under subsections 1 and 2 of section 163.031, and shall remain applicable in all school years thereafter, irrespective of the amount appropriated under subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

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

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

167.132. 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 and attended a receiving district in the school year**
6 **2013-14. The provisions of this section shall not apply to any additional districts. In school**
7 **year 2014-15 and subsequent years, students who participated in a transfer under this**
8 **section may finish the educational program in the building they attended in school year**
9 **2013-14, but no additional students shall participate. When the last of the students who**
10 **participated in the program in the 2013-14 school year finishes his or her final grade at the**
11 **building attended, the department of elementary and secondary education shall provide**
12 **notice to the revisor of statutes that the program has ceased, and the revisor shall note in**
13 **the next edition of the statutes that the provisions of this section have sunset.**

14 2. In school year 2014-15 and subsequent years, tuition shall be calculated as
15 follows:

16 (1) Multiply the average daily attendance of the transfer students to any receiving
17 district by the amount of the state adequacy target used by the department of elementary
18 and secondary education in calculating the current year formula apportionments under
19 section 163.031;

20 (2) Multiply the amount derived in subdivision (1) of this subsection by the dollar
21 value modifier of the receiving district used in calculating the current year formula
22 apportionment;

23 (3) Multiply the amount derived in subdivision (2) of this subsection by the
24 percentage formula adjustment, if any, used by the department in calculating the current
25 year formula apportionment; and

26 (4) Add to the amount derived in subdivision (3) of this subsection the payment
27 amount per-average daily attendance used in the prior year for distribution of the funds
28 from the school district trust fund under section 163.087 multiplied by the average daily
29 attendance of the transfer students attending the receiving district.

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31 If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted
32 to the state board of education, and its decision in the matter shall be final.

33 3. Until the program closes as provided in subsection 1 of this section, a student
34 who resides in an unaccredited district may transfer to a public school in another district
35 of the same or an adjoining county if the receiving district is accredited without provision
36 by the state board of education and the student follows the procedures required by this
37 section. Before a student who attends a public school in an unaccredited district may
38 transfer to an accredited district in the same or an adjoining county, the unaccredited
39 district shall determine if there is sufficient capacity in a district school offering the
40 student's grade level of enrollment that is classified as accredited by the state board of
41 education at the individual building level. If such capacity exists, the student shall remain
42 enrolled in the unaccredited district and attend the accredited school, provided that the
43 student meets any admissions requirements criteria if the school is a magnet school,
44 academically selective school, or school with a competitive entrance process.

45 4. Any student who has transferred to an accredited district shall maintain
46 residency in his or her unaccredited district of residence to continue eligibility for
47 enrollment in the accredited district. If a student does not maintain such residency, the
48 student shall no longer be eligible to attend the accredited district. If a transfer student
49 withdraws from the accredited district in which he or she has enrolled, the student shall
50 be ineligible to transfer to another district.

51 **5. Each school board that was accepting transfer students in the 2013-14 school**
52 **year shall adopt and publish a policy for reasonable student and teacher ratios and**
53 **reasonable class sizes. When adopting its policy, each school board shall consider previous**
54 **years' student enrollment, student and teacher ratios, and class size. Each school board**
55 **shall take into account the district's resident student population growth or decrease, based**
56 **on demographic projections provided by the office of socioeconomic data analysis, such**
57 **that the receiving district shall not be required to employ additional teachers or construct**
58 **new classrooms to accommodate such transfer pupils. No resident pupil shall be displaced**
59 **from a school to which he or she would otherwise be assigned to accommodate the**
60 **admission of a nonresident pupil. The assignment of a student to a particular building**
61 **shall be the decision of the receiving district.**

62 **6. Subject to the limitations of this section, each student shall be free to attend the**
63 **public school of his or her choice.**

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