

HB 1246 -- ELEMENTARY AND SECONDARY EDUCATION

SPONSOR: Hinson

This bill revises several aspects of the law on elementary and secondary education, primarily relating to unaccredited districts.

SPONSORSHIP OF CHARTER SCHOOLS IN UNACCREDITED DISTRICTS (Section 160.400, RSMo)

Additional entities are allowed to sponsor charter schools. The school board of an unaccredited school district may sponsor charter schools. If a special administrative board or an alternative governing structure is in place for an unaccredited district, the special administrative board or alternative governing structure may sponsor a charter school in the unaccredited district. The school board of an accredited district, a combination of school boards of accredited districts, or a cooperative association of school districts may sponsor charter schools located in unaccredited school districts.

SCHOOL ACCREDITATION (Section 161.096)

The State Board of Education must adopt a system of classification for unaccredited districts that accredits individual school buildings separately from the district as a whole. The State Board must promulgate rules for this system. The two-year delayed effective date for school accreditation rules is waived for this system.

HARDSHIP TRANSPORTATION ASSIGNMENTS (Section 167.121)

Currently, the Commissioner of Education may assign a pupil to another district based on an unusual or unreasonable transportation hardship. The bill allows the parent or guardian of a child to apply, and requires the Commissioner to assign the pupil to another district, if the driving distance from the pupil's residence to the attendance center in the pupil's district of residence is at least seventeen miles by the shortest route; the attendance center to which the pupil would be assigned is at least seven miles closer in driving distance than the attendance center in the district of residence; and the pupil's attendance will not cause the classroom in the receiving district to exceed the maximum number of students per class as determined by the receiving district. The Commissioner must assign pupils in the order in which the applications are received.

The assignment will continue until the pupil, and any sibling of the pupil who attends the same attendance center, completes the

course of study in the receiving district. If a parent or guardian withdraws a pupil from a hardship assignment, the granting of any future application will be discretionary. For any pupil who was assigned to another district by the Commissioner prior to August 28, 2014, the assignment will apply to the pupil's siblings and also remain in effect until the pupil completes the course of study in the receiving district.

Currently, tuition cannot exceed the pro rata cost of instruction. Under the bill, tuition will be the lesser of the two districts' current expenditure per average daily attendance. Pupils with an individualized education program will only be included in the pupil count of the student's district of residence. In a disagreement on the tuition amount, the facts will be submitted to the State Board of Education.

STUDENT TRANSFERS FROM UNACCREDITED DISTRICTS TO ACCREDITED DISTRICTS (Sections 167.131 and 167.133)

Currently, the school board of a district that does not maintain an accredited school is required to pay the tuition and transportation of resident pupils who attend an accredited school in another district of the same or an adjoining county. This provision of law currently applies to K-8 districts that do not offer high school grades as well as to districts that have been declared unaccredited. The bill revises the existing transfer section so that it applies to K-8 districts.

The school board of an unaccredited district must pay the tuition and transportation of resident students who attend a public school in another accredited district of the same or an adjoining county. The bill provides a formula for calculating tuition. Transfer students may not enroll in a provisionally accredited district. Before a student may transfer to another district, the unaccredited district must identify if capacity exists in an accredited school in the district of residence; if such capacity exists, the student must attend that school, provided the student meets any admissions requirements if the school is a magnet school or school with a selective admissions process.

By August 30, 2014, each local school board must establish criteria for the admission of nonresident pupils from unaccredited districts and adopt and publish a policy on class size and student-teacher ratios. Each school board must consider the class size and assigned enrollment standards of the Missouri School Improvement Program resource standards, and the district's previous three school years of enrollment and the district's resident student population growth or decrease, to preclude having to employ additional teachers or construct additional classrooms. Each

school board may consider other factors and criteria. In addition, resident pupils must not be displaced from the school building to which they are assigned. Policies must be revised by January 15 each year. The responsibility for assigning a student to a particular building is the receiving district's.

The school board of each accredited district that is located in the same county or an adjoining county to an unaccredited district must post a student transfer application, the district's admissions process, and the current available enrollment slots by grade level on its website. A parent or guardian who wants to transfer his or her child must notify the district of residence and the receiving district by February 1 for enrollment the following school year. If an accredited district does not have sufficient capacity to enroll all students who wish to attend, it must institute an admissions process. If a clearinghouse has been established for the St. Louis area, parents or guardians who seek to transfer their child must follow the requirements, procedures and deadlines of the clearinghouse.

Accountability and performance data of transfer students cannot be included in the annual performance reports of the receiving district for two school years. An accredited district cannot charge tuition until transfer students are enrolled in and attending the accredited district and charges must cease when a student is no longer enrolled. Tuition will be based on hours of actual attendance. A sending district must remit tuition payments to a receiving district within 10 days of receiving its monthly state aid distribution. If a sending district does not remit tuition, the Department of Elementary and Secondary Education will withhold the unpaid tuition from its state aid and pay the receiving district within 60 days. If a sending district becomes accredited or provisionally accredited, any students who have transferred to an accredited district in grades K-8 may remain in the receiving district through eighth grade. A student in grades 9-12 may remain through the completion of twelfth grade.

If a student with a disability transfers to an accredited district, the receiving district must follow the student's Individualized Education Program (IEP) until the student's IEP team at the receiving district can review and revise it. An unaccredited district will be responsible for providing transportation for a student with an IEP, even if the receiving district revises the IEP. A student's unaccredited district will be responsible for the cost of educating a student with an IEP that exceeds the tuition amount.

ST. LOUIS AREA TRANSFER CLEARINGHOUSE (Section 167.135)

When the State Board of Education classifies a district in St. Louis County or the St. Louis City School District as unaccredited, the Department of Elementary and Secondary Education must establish a clearinghouse to assist students and coordinate transferring to an accredited district. The clearinghouse must make information and assistance available to parents or guardians who intend to transfer their child from an unaccredited district to an accredited district.

A parent or guardian must send initial notification to the district of residence and the clearinghouse by February 1 for enrollment in the subsequent school year. The clearinghouse must process requests in the order in which they are received except it may give a preference to students with a sibling already enrolled in the same school district. If there is insufficient capacity to enroll all students who wish to transfer, the clearinghouse must institute an admissions process. Districts must report available slots by the date specified by the clearinghouse. The bill contains procedures for handling the cases of students whose parents or guardians do not submit intent notifications by the February 1 date. The clearinghouse may contract with a school district, a voluntary inter-district council, or any private entity for transportation services. The expenses associated with the administration of pupil transfers will be defrayed by the Department of Elementary and Secondary Education retaining funds from the unaccredited district's state school aid.

TRANSPORTATION (Section 167.241)

Currently, the school board of an unaccredited district must designate accredited districts to which it will provide transportation for transfer students. The bill clarifies that districts to which an unaccredited district will provide transportation cannot be provisionally accredited.

EXTENDED LEARNING TIME IN UNACCREDITED DISTRICTS (Section 171.031)

The school board of an unaccredited district may adopt a resolution to increase the length of the school day, the hours of instruction, and the length of the school term.

The bill contains an emergency clause.