

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 716

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

1747H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.471, 162.492, 162.611, and 167.126, RSMo, and to enact in lieu thereof five new sections relating to educational services.

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

Section A. Sections 162.471, 162.492, 162.611, and 167.126, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 162.471, 162.492, 162.611,
3 167.027, and 167.126, to read as follows:

162.471. 1. The government and control of an urban school district is vested in a
2 board of seven directors.

3 2. Except as provided in section 162.563, each director shall be a voter of the district
4 who has resided within this state for one year next preceding the director's election or
5 appointment and who is at least twenty-four years of age. All directors, except as otherwise
6 provided in sections 162.481, 162.492, and 162.563, shall hold their offices for six years and
7 until their successors are duly elected and qualified. All vacancies occurring in the board
8 ~~except as provided in section 162.492,~~ shall be filled by appointment by the board as soon as
9 practicable, and the person appointed shall hold office until the next school board election,
10 when a successor shall be elected for the remainder of the unexpired term. The power of the
11 board to perform any official duty during the existence of a vacancy continues unimpaired
12 thereby.

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants, the election authority of the city in
3 which the greater portion of the school district lies, and of the county if the district includes

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.

4 territory not within the city limits, shall serve ex officio as a redistricting commission. The
5 commission shall on or before November 1, 2018, divide the school district into five
6 subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in
7 the number of inhabitants as practicable and thereafter the board shall redistrict the district
8 into subdivisions as soon as practicable after each United States decennial census. In
9 establishing the subdistricts each member shall have one vote and a majority vote of the total
10 membership of the commission is required to make effective any action of the commission.

11 2. School elections for the election of directors shall be held on municipal election
12 days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until
13 2019 and until their successors are elected and qualified. At the election in 2016, directors
14 shall be elected until 2019 and until their successors are elected and qualified. Beginning in
15 2019, school elections for the election of directors shall be held on the local election date as
16 specified in the charter of a home rule city with more than four hundred thousand inhabitants
17 and located in more than one county. Beginning at the election for school directors in 2019,
18 the number of directors on the board shall be reduced from nine to seven. Two directors shall
19 be at-large directors and five directors shall represent the subdistricts, with one director from
20 each of the subdistricts. At the 2019 election, one of the at-large directors and the directors
21 from subdistricts one, three, and five shall be elected for a two-year term, and the other at-
22 large director and the directors from subdistricts two and four shall be elected for a four-year
23 term. Thereafter, all seven directors shall serve a four-year term. Directors shall serve until
24 the next election and until their successors, then elected, are duly qualified as provided in this
25 section. In addition to other qualifications prescribed by law, each member elected from a
26 subdistrict shall be a resident of the subdistrict from which he or she is elected. The
27 subdistricts shall be numbered from one to five.

28 3. The five candidates, one from each of the subdistricts, who receive a plurality of
29 the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality
30 of the at-large votes shall be elected. The name of no candidate for nomination shall be
31 printed on the ballot unless the candidate has at least sixty days prior to the election filed a
32 declaration of candidacy with the secretary of the board of directors containing the signatures
33 of at least two hundred fifty registered voters who are residents of the subdistrict within which
34 the candidate for nomination to a subdistrict office resides, and in case of at-large candidates
35 the signatures of at least five hundred registered voters. The election authority shall
36 determine the validity of all signatures on declarations of candidacy.

37 4. In any election either for at-large candidates or candidates elected by the voters of
38 subdistricts, if there are more than two candidates, a majority of the votes are not required to
39 elect but the candidate having a plurality of the votes shall be elected.

40 5. The names of all candidates shall appear upon the ballot without party designation
41 and in the order of the priority of the times of filing their petitions of nomination. No
42 candidate may file both at large and from a subdistrict and the names of all candidates shall
43 appear only once on the ballot, nor may any candidate file more than one declaration of
44 candidacy. All declarations shall designate the candidate's residence and whether the
45 candidate is filing at large or from a subdistrict and the numerical designation of the
46 subdistrict or at-large area.

47 6. The provisions of all sections relating to seven-director school districts shall also
48 apply to and govern urban districts in cities of more than three hundred thousand inhabitants,
49 to the extent applicable and not in conflict with the provisions of those sections specifically
50 relating to such urban districts.

51 7. Vacancies which occur on the school board ~~[between the dates of election shall be~~
52 ~~filled by special election if such vacancy happens more than six months prior to the time of~~
53 ~~holding an election as provided in subsection 2 of this section. The state board of education~~
54 ~~shall order a special election to fill such a vacancy. A letter from the commissioner of~~
55 ~~education, delivered by certified mail to the election authority or authorities that would~~
56 ~~normally conduct an election for school board members shall be the authority for the election~~
57 ~~authority or authorities to proceed with election procedures. If a vacancy occurs less than six~~
58 ~~months prior to the time of holding an election as provided in subsection 2 of this section, no~~
59 ~~special election shall occur and the vacancy shall be filled at the next election day on which~~
60 ~~local elections are held as specified in the charter of any home rule city with more than four~~
61 ~~hundred thousand inhabitants and located in more than one county]~~ **shall be filled in the**
62 **manner provided in section 162.471.**

162.611. Any member failing to attend the meetings of the board for three
2 consecutive regular meetings, unless excused by the board for reasons satisfactory to the
3 board, shall be deemed to have vacated his **or her** seat; and the secretary of the board shall
4 certify that fact to the ~~[mayor]~~ **board**. The secretary shall likewise certify to the ~~[mayor]~~
5 **board** any other vacancy occurring in the board. Any vacancy shall be filled by the ~~[mayor]~~
6 **board** by appointment for the remainder of the term.

167.027. 1. As used in this section, "student special education record" means the
2 **following:**

3 **(1) An individualized education program, or IEP, as such term is defined in 20**
4 **U.S.C. Section 1401, as amended;**

5 **(2) An individualized family service plan, or IFSP, as such term is defined in 20**
6 **U.S.C. Section 1401, as amended;**

7 **(3) A 504 plan created under Section 504 of the federal Rehabilitation Act of**
8 **1973, 29 U.S.C. Section 794, as amended;**

9 **(4) A record produced for a child with a disability, as such term is defined in 20**
10 **U.S.C. Section 1401, as amended; and**

11 **(5) Other records produced for a child under the federal Individuals with**
12 **Disabilities Education Act (IDEA), as amended.**

13 **2. For the 2023-24 school year and all subsequent school years, a student's most**
14 **recent special education record shall be deemed a permanent record and shall be**
15 **maintained as a part of a child's cumulative scholastic record.**

16 **3. Notwithstanding any other provision of law, rule, regulation, or policy to the**
17 **contrary, no school district or public school shall destroy a child's most recent student**
18 **special education record.**

167.126. 1. Children who are admitted to programs or facilities of the department of
2 mental health or whose domicile is one school district in Missouri but who reside in another
3 school district in Missouri as a result of placement arranged by or approved by the department
4 of mental health, the department of social services or placement arranged by or ordered by a
5 court of competent jurisdiction shall have a right to be provided the educational services as
6 provided by law and shall not be denied admission to any appropriate regular public school or
7 special school district program or program operated by the state board of education, as the
8 case may be, where the child actually resides because of such admission or placement;
9 provided, however, that nothing in this section shall prevent the department of mental health,
10 the department of social services or a court of competent jurisdiction from otherwise
11 providing or procuring educational services for such child.

12 2. Each school district or special school district constituting the domicile of any child
13 for whom educational services are provided or procured under this section shall pay toward
14 the per-pupil costs for educational services for such child. A school district which is not a
15 special school district shall pay an amount equal to the average sum produced per child by the
16 local tax effort of the district of domicile. A special school district shall pay an amount not to
17 exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

18 3. When educational services have been provided by the school district or special
19 school district in which a child actually resides, including a child who temporarily resides in a
20 children's hospital licensed under chapter 197 **or a psychiatric residential treatment**
21 **facility**, for rendering health care services to children under the age of eighteen for more than
22 three days, other than the district of domicile, the amounts as provided in subsection 2 of this
23 section for which the domiciliary school district or special school district is responsible shall
24 be paid by such district directly to the serving district. The school district, or special school
25 district, as the case may be, shall send a written voucher for payment to the regular or special
26 district constituting the domicile of the child served and the domiciliary school district or
27 special school district receiving such voucher shall pay the district providing or procuring the

28 services an amount not to exceed the average sum produced per child by the local tax efforts
29 of the domiciliary districts. In the event the responsible district fails to pay the appropriate
30 amount to the district within ninety days after a voucher is submitted, the state department of
31 elementary and secondary education shall deduct the appropriate amount due from the next
32 payments of any state financial aid due that district and shall pay the same to the appropriate
33 district.

34 4. In cases where a child whose domicile is in one district is placed in programs or
35 facilities operated by the department of mental health or resides in another district pursuant to
36 assignment by that department or is placed by the department of social services or a court of
37 competent jurisdiction into any type of publicly contracted residential site in Missouri, the
38 department of elementary and secondary education shall, as soon as funds are appropriated,
39 pay the serving district from funds appropriated for that purpose the amount by which the per-
40 pupil costs of the educational services exceeds the amounts received from the domiciliary
41 district except that any other state money received by the serving district by virtue of
42 rendering such service shall reduce the balance due.

43 5. Institutions providing a place of residence for children whose parents or guardians
44 do not reside in the district in which the institution is located shall have authority to enroll
45 such children in a program in the district or special district in which the institution is located
46 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.
47 The provisions of this subsection shall not apply to placement authorized pursuant to
48 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in
49 the district or special district. "Institution" as used in this subsection means a facility
50 organized under the laws of Missouri for the purpose of providing care and treatment of
51 juveniles.

52 6. Children residing in institutions providing a place of residence for three or more
53 such children whose domicile is not in the state of Missouri may be admitted to schools or
54 programs provided on a contractual basis between the school district, special district or state
55 department or agency and the proper department or agency, or persons in the state where
56 domicile is maintained. Such contracts shall not be permitted to place any financial burden
57 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

58 7. For purposes of this section the domicile of the child shall be the school district
59 where the child would have been educated if the child had not been placed in a different
60 school district. No provision of this section shall be construed to deny any child domiciled in
61 Missouri appropriate and necessary, gratuitous public services.

62 8. For the purpose of distributing state aid under section 163.031, a child receiving
63 educational services provided by the district in which the child actually resides, other than the

64 district of domicile, shall be included in average daily attendance, as defined under section
65 163.011, of the district providing the educational services for the child.

66 9. Each school district or special school district where the child actually resides, other
67 than the district of domicile, may receive payment from the department of elementary and
68 secondary education, in lieu of receiving the local tax effort from the domiciliary school
69 district. Such payments from the department shall be subject to appropriation and shall only
70 be made for children that have been placed in a school other than the domiciliary school
71 district by a state agency or a court of competent jurisdiction and from whom excess
72 educational costs are billed to the department of elementary and secondary education.

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