

SECOND REGULAR SESSION

HOUSE BILL NO. 2933

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CHRIST.

4709H.03I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to withdrawal from special school districts.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be known as section 162.827, to read as follows:

162.827. 1. A school district that is part of a special school district established under section 162.825 may withdraw from such special school district as provided in this section upon a vote on the question of withdrawal as follows:

(1) The school board of a school district desiring to withdraw from such special school district may approve, by resolution, a proposal to present for public vote the question of withdrawal as provided in this section. Such resolution may include a proposal to impose an additional levy to provide for special education, vocational education, and technical education programs and services. Such proposed levy shall not exceed the school district's proportion of the combined rate levied by the special school district;

(2) Upon the approval of the resolution by at least four members of the school board, the board shall notify the election authority of the county in which the school district is located that the following question should be submitted to the voters residing in the school district:

"Shall the (insert name) School District withdraw from the Special School District of _____ County, the (insert amount) property tax levy for the Special School District of _____ County be eliminated for property in the school district, and the

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.

18 (insert name) School District be authorized to impose a levy in the amount of (insert
19 dollar amount) to provide for special education, vocational education, and technical
20 education programs and services to students eligible to be enrolled within the (insert
21 name) School District?";

22 (3) Upon receiving such notification, the election authority shall submit the
23 question specified in the notification to the voters of the school district on the next
24 available day for school district elections;

25 (4) If a majority of the registered voters of the school district voting on the
26 question approve the withdrawal of the school district and, if proposed, the adjusted
27 levy:

28 (a) The election authority shall notify the school board of the school district and
29 the special school district, and the school board of the school district shall notify the
30 state board of education; and

31 (b) The school district shall no longer be included in the special school district
32 beginning on July first of the second school year following the approval of the question;
33 and

34 (5) If a majority of the registered voters of the school district voting on the
35 question reject the withdrawal of the school district, the school district:

36 (a) Shall remain part of the special school district; and

37 (b) Shall not consider a question to withdraw from the special school district
38 sooner than twelve months after the date of the last question voted on under this section.

39 2. Upon a school district's withdrawal from the special school district, such
40 school district shall provide special education, vocational education, and technical
41 education programs and services to students eligible to enroll within the school district's
42 boundaries as required by law.

43 3. The tax levy authorized under section 162.920 for such special school district
44 within a school district that has withdrawn from such special school district shall
45 terminate on June thirtieth of the school year immediately before the school year in
46 which the withdrawal takes effect, and the adjusted levy approved by voters under
47 subdivision (2) of subsection 1 of this section shall go into effect as of July first of the
48 school year the withdrawal takes effect. The county collector shall prorate the taxes
49 imposed on each item or parcel of property so as to collect the proportional share for the
50 school district and the special school district.

51 4. (1) A school district that withdraws from a special school district shall return
52 all property, facilities, equipment, and other assets of the special school district to the
53 special school district.

54 (2) Bonded indebtedness of the special school district shall be assumed
55 proportionally, according to assessed valuation, by the withdrawing school district.

56 (3) No existing bond or debt obligation of the special school district shall be
57 impaired by this section.

58 (4) Upon receiving notification of an affirmative vote of a school district to
59 withdraw from a special school district, the state board of education shall appoint a
60 person to supervise the disposition of property and indebtedness. Decisions made by the
61 person so appointed shall be subject to review by the state board of education.

62 5. (1) Nothing in this section shall be construed to alter, diminish, or impair any
63 rights or obligations of the state of Missouri or its political subdivisions under the
64 federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et
65 seq., as amended; Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.
66 Section 794, as amended; or any other applicable federal or state law.

67 (2) The state board of education may promulgate all necessary rules and
68 regulations for the administration of this section. Any rule or portion of a rule, as that
69 term is defined in section 536.010, that is created under the authority delegated in this
70 section shall become effective only if it complies with and is subject to all of the
71 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
72 536 are nonseverable and if any of the powers vested with the general assembly
73 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
74 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
75 and any rule proposed or adopted after the effective date of this act shall be invalid and
76 void.

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