

FIRST REGULAR SESSION

HOUSE BILL NO. 42

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOOD.

0046L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof three new sections relating to school accreditation, with an emergency clause.

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

Section A. Section 167.131, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 161.091, 167.131, and 167.132, to read as follows:

161.091. 1. As authorized under its duty to classify the schools of the state under section 161.092, the state board of education shall adopt a system of classification that accredits attendance centers within a district separately from the district as a whole.

2. The state board of education may consider the classification designation of an attendance center in its accreditation classification system to exempt attendance centers, as defined in subsection 4 of this section, with classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools. Public separate special education schools within a special school district are exempted from the accreditation requirements of this section. While not applicable for the purpose of accreditation, a special school district shall continue to report all scores on its annual performance report to the department of elementary and secondary education for all of its schools. Juvenile detention centers within a special school district are also exempted from the accreditation standards of this section.

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

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 **4. For purposes of this section, "attendance center" means a public school building**
19 **or buildings or part of a school building that constitutes one unit for accountability**
20 **purposes under the Missouri school improvement program.**

21 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
22 **created under the authority delegated in this section shall become effective only if it**
23 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
24 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
25 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
26 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
27 **grant of rulemaking authority and any rule proposed or adopted after the effective date**
28 **of this section, shall be invalid and void.**

 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 and provide transportation consistent with the provisions of section 167.241] **as**
5 **calculated by the receiving district under subsection 2 of this section** 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 for each resident therein who is**
4 **assigned to an unaccredited school in the district who meets the criteria of this section.**

5 **2. In school year 2015-16 and subsequent years, tuition shall be calculated as**
6 **follows:**

7 **(1) Multiply the full-time equivalent membership, as defined in section 163.011, of**
8 **the transfer students to any receiving district by the amount of the state adequacy target**
9 **used by the department of elementary and secondary education in calculating the current**
10 **year formula apportionments under section 163.031;**

11 **(2) Multiply the amount derived in subdivision (1) of this subsection by the dollar**
12 **value modifier of the receiving district used in calculating the current year formula**
13 **apportionment;**

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

17 **(4) Add to the amount derived in subdivision (3) of this subsection the payment**
18 **amount based on full-time equivalent membership used in the prior year for distribution**
19 **of the funds from the school district trust fund under section 163.087 multiplied by the full-**
20 **time equivalent membership of the transfer students attending the receiving district.**

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22 **If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted**
23 **to the state board of education, and its decision in the matter shall be final. Subject to the**
24 **limitations of this section, each student shall be free to attend the public school of his or her**
25 **choice.**

26 **3. A student who is assigned to an unaccredited building in an unaccredited district**
27 **may transfer to a public school in another district of the same or an adjoining county if the**
28 **receiving district is accredited without provisions by the state board of education and the**
29 **student follows the procedures required by this section. Before a student who attends a**
30 **public school in an unaccredited district may transfer to an accredited district in the same**
31 **or an adjoining county, the unaccredited district shall determine if there is sufficient**
32 **capacity in a district school offering the student's grade level of enrollment that is classified**
33 **as accredited by the state board of education at the individual building level. If such**
34 **capacity exists, the student shall remain enrolled in the unaccredited district and attend**
35 **the accredited school, provided that the student meets any admissions requirements**
36 **criteria if the school is a magnet school, academically selective school, or school with a**
37 **competitive entrance process.**

38 **4. The parent or guardian of a student who seeks to transfer to an accredited**
39 **district in the same or an adjoining county shall provide proof that the student has resided**
40 **in the unaccredited district for at least twelve months prior to seeking to transfer out of the**

41 **district. Any student who has transferred to an accredited district shall maintain residency**
42 **in his or her unaccredited district of residence to continue eligibility for enrollment in the**
43 **accredited district. If a student does not maintain such residency, the student shall no**
44 **longer be eligible to attend the accredited district. If a transfer student voluntarily**
45 **withdraws from the accredited district in which he or she has enrolled, the student shall**
46 **be permanently ineligible to reenroll in such accredited district and the student shall be**
47 **ineligible to transfer to another district.**

48 **5. By August 1, 2015, each local school board shall establish specific criteria**
49 **through board policy for the admission of nonresident pupils from districts that have been**
50 **classified as unaccredited by the state board of education who seek admission into a school**
51 **district under this section. Each school board shall adopt and publish a policy for**
52 **reasonable student and teacher ratios and reasonable class sizes. When adopting its policy,**
53 **each school board shall consider previous years' student enrollment, student and teacher**
54 **ratios, and class size. Each school board shall take into account the district's resident**
55 **student population growth or decrease, based on demographic projections provided by the**
56 **office of socioeconomic data analysis, such that the receiving district shall not be required**
57 **to employ additional teachers or construct new classrooms to accommodate such transfer**
58 **pupils. No resident pupil shall be displaced from a school to which he or she would**
59 **otherwise be assigned to accommodate the admission of a nonresident pupil. The**
60 **assignment of a student to a particular building shall be the decision of the receiving**
61 **district.**

62 **6. If an unaccredited district becomes classified as provisionally accredited or**
63 **accredited without provisions by the state board of education, resident students of the**
64 **unaccredited districts who are enrolled in an accredited district in the same or an adjoining**
65 **county under this section shall be permitted to continue their educational program in the**
66 **accredited district through the highest grade level offered at the school building currently**
67 **attended; however, such students shall be required to return to their resident district at the**
68 **time they would normally matriculate to a building offering higher grade levels.**

Section B. Because of the importance of improving and sustaining Missouri's elementary
2 and secondary education system and establishing standards for student transfers to school
3 districts, this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and this act shall be in full force and effect upon its passage and approval.

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