

FIRST REGULAR SESSION

HOUSE BILL NO. 425

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

0802H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.1040, 162.1042, 162.1045, 162.1047, 162.1049, 162.1052, 162.1055, 162.1057, 162.1059, and 162.1190, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

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

Section A. Sections 162.1040, 162.1042, 162.1045, 162.1047, 162.1049, 162.1052, 162.1055, 162.1057, 162.1059, and 162.1190, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 162.1070 and 162.1190, to read as follows:

- 162.1070. 1. In accordance with the provisions of this section, the boards of education of any two or more school districts may make and enter into agreements providing for the attendance of students residing in one school district at school in kindergarten or any grade not higher than the twelfth grade maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses, or units of instruction.**
- 2. Before entering into any agreement under this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that making and entering into such an agreement would be in the best interests of the educational system of the school district.**
- 3. Any agreement under this section shall be subject to the following conditions:**
- (1) The agreement shall be for any term not exceeding five years;**
 - (2) The agreement shall be subject to change or termination by the legislature;**

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.

15 **(3) Within the limitations provided by law, the agreement may be changed or**
16 **terminated by mutual agreement of the participating boards of education; and**

17 **(4) The agreement shall make provision for transportation of students to and from**
18 **the school attended on every school day, for payment or sharing of the costs and expenses**
19 **of student attendance at school, and for the authority and responsibility of the**
20 **participating boards of education. The agreement shall provide that a school district that**
21 **receives students from another district shall be required to provide transportation of those**
22 **students only within the boundaries of its district.**

23 **4. The board of education of any school district that enters into an agreement under**
24 **this section for the attendance of students at school in another school district may**
25 **discontinue kindergarten or any or all of the grades, courses, and units of instruction**
26 **specified in the agreement for attendance of students enrolled in kindergarten or any such**
27 **grades, courses, and units of instruction at school in such other school district. Upon**
28 **discontinuing kindergarten or any grade, course, or unit of instruction under this**
29 **subsection, the board of education may close any school building or buildings operated or**
30 **used for attendance by students enrolled in such discontinued kindergarten, grades,**
31 **courses, or units of instruction. The closing of any school building under this subsection**
32 **shall require a majority vote of the members of the board of education and shall require**
33 **no other procedure or approval.**

34 **5. Any student attending school in a district in which he or she does not reside in**
35 **accordance with an agreement made and entered into under this section shall be counted**
36 **as a resident student of such school district of attendance for the purposes of determining**
37 **state aid under section 163.031.**

38 **6. A nonresident district shall accept all credits toward promotion or graduation**
39 **awarded by a district of residence. If a student returns to the student's district of residence**
40 **before graduation, the district of residence shall accept all credits awarded by the**
41 **nonresident district.**

42 **7. A student who satisfactorily completes twelfth grade while in attendance at**
43 **school in a district in which he or she does not reside in accordance with an agreement**
44 **made and entered into under this section shall be certified as having graduated from such**
45 **school district of attendance unless otherwise provided for by the agreement.**

162.1190. 1. **Subject to the provisions of this section,** the school board of each school
2 district with multiple attendance centers containing the same grade levels shall ~~no later than~~
3 ~~July 1, 2004, develop, and make available to the public, a policy regarding~~ **allow** the transfer
4 of that school district's students to other schools within the district.

5 **2. Each school district shall have the right to establish and adopt a policy for**
 6 **desirable class size and student-teacher ratios in each school of the district. A district's**
 7 **policy may allow for estimated growth in the resident student population. Any district that**
 8 **adopts such a policy shall publish its policy annually and shall be prohibited from**
 9 **amending the policy more than one time each school year.**

10 **3. Any student wishing to transfer as allowed under this section shall apply to the**
 11 **school district. If the student currently attends a school within the district and his or her**
 12 **transfer to another school would not violate any class size or student-teacher ratio adopted**
 13 **under subsection 2 of this section, the district shall grant the application. The district shall**
 14 **not impose any requirements in addition to current attendance at a school within the**
 15 **district and satisfaction of any policy adopted under subsection 2 of this section for a**
 16 **student to be allowed to transfer to any school within the district selected by the student;**
 17 **except that, if the student wishes to transfer to a school with a competitive entrance process**
 18 **that has admissions requirements, the student shall furnish proof that he or she meets the**
 19 **admissions requirements in order to transfer to the school. The district shall grant or deny**
 20 **an application under this section within six months of the date of receipt of the application.**

2 ~~[162.1040. Sections 162.1040 to 162.1059 shall be known and may be~~
 3 ~~cited as the "Elementary and Secondary School District Enrollment Option Act".~~
 4 ~~Nothing in sections 162.1040 to 162.1059 shall apply to any school district in a~~
 5 ~~county of the first classification having a charter form of government, nor to any~~
 6 ~~school district within the city of St. Louis.]~~

2 ~~[162.1042. As used in sections 162.1040 to 162.1059, the following~~
 3 ~~terms mean:~~

- 3 ~~(1) "Department", the department of elementary and secondary education;~~
 4 ~~(2) "Enrollment option districts", districts, the school boards of which~~
 5 ~~have by resolution entered into an enrollment plan;~~
 6 ~~(3) "Enrollment option plan", a plan whereby two school districts~~
 7 ~~establish a cooperative agreement to send or receive or send and receive each~~
 8 ~~other's students, subject to the limitations of this section;~~
 9 ~~(4) "Parent", the parent, guardian or other person having charge, control~~
 10 ~~or custody of an elementary or secondary school student;~~
 11 ~~(5) "Student", a student enrolled in an enrollment option district.]~~

2 ~~[162.1045. 1. The state board of education shall direct the department~~
 3 ~~to develop guidelines for the establishment of enrollment option plans by pilot~~
 4 ~~local school districts that will be sending or receiving students. The guidelines~~
 5 ~~shall be completed no later than August 1, 1995. The guidelines shall include the~~
 6 ~~following items:~~

- 6 ~~_____ (1) Application procedures, including recommended deadlines for~~
 7 ~~application and for notification of students and principals in enrollment option~~
 8 ~~districts whenever a student's application is accepted;~~
- 9 ~~_____ (2) Procedures to include in enrollment options agreements for admitting~~
 10 ~~pupils, including but not limited to:~~
- 11 ~~_____ (a) The establishment of district capacity limits by grade level, school~~
 12 ~~building and education program;~~
- 13 ~~_____ (b) A requirement that resident students enrolled in a school district be~~
 14 ~~given preference over any nonresident pupil in the selection of a school to attend;~~
- 15 ~~_____ (c) Limits on the number and frequency of changes of enrollment in~~
 16 ~~enrollment option districts.~~
- 17 ~~_____ 2. No enrollment option plan may be designed to include or exclude a~~
 18 ~~nonresident pupil solely based on any of the following reasons:~~
- 19 ~~_____ (1) Academic ability, or any level of athletic, artistic, or other~~
 20 ~~extracurricular skills;~~
- 21 ~~_____ (2) Handicapping conditions;~~
- 22 ~~_____ (3) The degree of proficiency of the English language;~~
- 23 ~~_____ (4) The fact that the student has been the subject of disciplinary~~
 24 ~~proceedings, except that if an applicant has been suspended or expelled for ten~~
 25 ~~consecutive days or more in the term for which admission is sought or in the term~~
 26 ~~immediately preceding the term for which admission is sought, the procedures~~
 27 ~~may include a provision denying admission of such applicant as a nonresident~~
 28 ~~student.]~~

29
 2 ~~[162.1047. The enrollment option plan shall include specific standards~~
 3 ~~for the acceptance or rejection of student applications. If an application is~~
 4 ~~rejected, the district shall state in the notification the reason for the rejection.]~~

5
 2 ~~[162.1049. A nonresident district shall accept all credits toward~~
 3 ~~promotion or graduation awarded by a district of residence. If a student returns~~
 4 ~~to the student's district of residence prior to graduation, the district of residence~~
 5 ~~shall accept all credits issued by an enrollment option district.]~~

6
 2 ~~[162.1052. Notwithstanding any provision of sections 162.1040 to~~
 3 ~~162.1059 to the contrary, a nonresident district may reject an application for~~
 4 ~~admission by a nonresident pupil if the:~~

- 5 ~~_____ (1) Dwelling in which the nonresident pupil resides with a parent,~~
 6 ~~guardian or other person having charge, control or custody of the pupil is not~~
 7 ~~within ten miles of the nonresident district; or~~
- 8 ~~_____ (2) Physical structures where the student will be attending classes in the~~
 9 ~~school district of residence are closer to the structure in which the nonresident~~
 10 ~~pupil resides than are the physical structures where the student will be attending~~
 11 ~~classes of the nonresident district.]~~

2 ~~[162.1055. No school district shall solicit the enrollment of a nonresident~~
3 ~~student. For the purpose of determining eligibility to participate in high school~~
4 ~~activities, the rules of any association governing such activities to which the~~
5 ~~district belongs shall govern.]~~

2 ~~[162.1057. Notwithstanding the provisions of chapter 163 to the contrary,~~
3 ~~for the purposes of determining state aid, a nonresident student enrolled pursuant~~
4 ~~to sections 162.1040 to 162.1059 in an enrollment option district shall be counted~~
5 ~~as a resident pupil.]~~

2 ~~[162.1059. Whenever there is a federal court-ordered desegregation~~
3 ~~directive for a school district, enrollment options pursuant to sections 162.1040~~
4 ~~to 162.1059 are subject to the approval of the court of continuing jurisdiction and~~
5 ~~the court order shall govern.]~~

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