

SENATE BILL NO. 565

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

2031S.011

ADRIANE D. CROUSE, Secretary

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,
2 162.1047, 162.1049, 162.1052, 162.1055, 162.1057, 162.1059, and
3 162.1190, RSMo, are repealed and two new sections enacted in
4 lieu thereof, to be known as sections 162.1070 and 162.1190, to
5 read as follows:

162.1070. 1. In accordance with the provisions of
2 this section, the boards of education of any two or more
3 school districts may make and enter into agreements
4 providing for the attendance of students residing in one
5 school district at school in kindergarten or any grade not
6 higher than the twelfth grade maintained by any such other
7 school district. The boards of education may also provide
8 by agreement for the combination of enrollments for
9 kindergarten or one or more grades, courses, or units of
10 instruction.

11 2. Before entering into any agreement under this
12 section, the board of education shall adopt a resolution
13 declaring that it has made a determination that such an
14 agreement should be made and that making and entering into

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 such an agreement would be in the best interests of the
16 educational system of the school district.

17 3. Any agreement under this section shall be subject
18 to the following conditions:

19 (1) The agreement shall be for any term not exceeding
20 five years;

21 (2) The agreement shall be subject to change or
22 termination by the general assembly;

23 (3) Within the limitations provided by law, the
24 agreement may be changed or terminated by mutual agreement
25 of the participating boards of education; and

26 (4) The agreement shall make provision for
27 transportation of students to and from the school attended
28 on every school day, for payment or sharing of the costs and
29 expenses of student attendance at school, and for the
30 authority and responsibility of the participating boards of
31 education. The agreement shall provide that a school
32 district that receives students from another district shall
33 provide transportation of those students only within the
34 boundaries of its district.

35 4. The board of education of any school district that
36 enters into an agreement under this section for the
37 attendance of students at schools in another school district
38 may discontinue kindergarten or any or all of the grades,
39 courses, and units of instruction specified in the agreement
40 for attendance of students enrolled in kindergarten or any
41 such grades, courses, and units of instruction at schools in
42 such other school district. Upon discontinuing kindergarten
43 or any grade, course, or unit of instruction under this
44 subsection, the board of education may close any school
45 building or buildings operated or used for attendance by
46 students enrolled in such discontinued kindergarten, grades,

47 courses, or units of instruction. The closing of any school
48 building under this subsection shall require a majority vote
49 of the members of the board of education and shall require
50 no other procedure or approval.

51 5. Any student attending school in a district in which
52 the student does not reside in accordance with an agreement
53 made and entered into under this section shall be counted as
54 a resident student of such school district of attendance for
55 the purposes of determining state aid under section 163.031.

56 6. A nonresident district shall accept all credits
57 toward promotion or graduation awarded by a district of
58 residence. If a student returns to the student's district
59 of residence before graduation, the district of residence
60 shall accept all credits awarded by the nonresident district.

61 7. A student who satisfactorily completes twelfth
62 grade while in attendance at school in a district in which
63 the student does not reside in accordance with an agreement
64 made and entered into under this section shall be certified
65 as having graduated from such school district unless
66 otherwise provided for by the agreement.

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

8 2. Each school district shall have the right to
9 establish and adopt a policy for desirable class size and
10 student-teacher ratios in each school of the district. A
11 district's policy may allow for estimated growth in the
12 resident student population. Any district that adopts such

13 a policy shall publish its policy annually and shall be
14 prohibited from amending the policy more than one time each
15 school year.

16 3. Any student wishing to transfer as allowed under
17 this section shall apply to the school district. If the
18 student currently attends a school within the district and
19 the student's transfer to another school would not violate
20 any class size or student-teacher ratio adopted under
21 subsection 2 of this section, the district shall grant the
22 application. The district shall not impose any requirements
23 in addition to current attendance at a school within the
24 district and satisfaction of any policy adopted under
25 subsection 2 of this section for a student to be allowed to
26 transfer to any school within the district selected by the
27 student; except that, if the student wishes to transfer to a
28 school with a competitive entrance process that has
29 admissions requirements, the student shall furnish proof
30 that the student meets the admissions requirements in order
31 to transfer to the school. The district shall grant or deny
32 an application under this section within six months of the
33 date of receipt of the application.

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

2 [162.1042. As used in sections 162.1040 to
3 162.1059, the following terms mean:
4 (1) "Department", the department of
5 elementary and secondary education;
6 (2) "Enrollment option districts",
7 districts, the school boards of which have by
8 resolution entered into an enrollment plan;
9 (3) "Enrollment option plan", a plan
10 whereby two school districts establish a
cooperative agreement to send or receive or send

11 and receive each other's students, subject to
12 the limitations of this section;

13 (4) "Parent", the parent, guardian or
14 other person having charge, control or custody
15 of an elementary or secondary school student;

16 (5) "Student", a student enrolled in an
17 enrollment option district.]

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

10 (1) Application procedures, including
11 recommended deadlines for application and for
12 notification of students and principals in
13 enrollment option districts whenever a student's
14 application is accepted;

15 (2) Procedures to include in enrollment
16 options agreements for admitting pupils,
17 including but not limited to:

18 (a) The establishment of district capacity
19 limits by grade level, school building and
20 education program;

21 (b) A requirement that resident students
22 enrolled in a school district be given
23 preference over any nonresident pupil in the
24 selection of a school to attend;

25 (c) Limits on the number and frequency of
26 changes of enrollment in enrollment option
27 districts.

28 2. No enrollment option plan may be
29 designed to include or exclude a nonresident
30 pupil solely based on any of the following
31 reasons:

32 (1) Academic ability, or any level of
33 athletic, artistic, or other extracurricular
34 skills;

35 (2) Handicapping conditions;

36 (3) The degree of proficiency of the
37 English language;

38 (4) The fact that the student has been the
39 subject of disciplinary proceedings, except that
40 if an applicant has been suspended or expelled
41 for ten consecutive days or more in the term for
42 which admission is sought or in the term
43 immediately preceding the term for which
44 admission is sought, the procedures may include
45 a provision denying admission of such applicant
as a nonresident student.]

2 [162.1047. The enrollment option plan
3 shall include specific standards for the
4 acceptance or rejection of student
applications. If an application is rejected,

5 the district shall state in the notification the
6 reason for the rejection.]

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

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

6 (1) Dwelling in which the nonresident
7 pupil resides with a parent, guardian or other
8 person having charge, control or custody of the
9 pupil is not within ten miles of the nonresident
10 district; or

11 (2) Physical structures where the student
12 will be attending classes in the school district
13 of residence are closer to the structure in
14 which the nonresident pupil resides than are the
15 physical structures where the student will be
16 attending classes of the nonresident district.]

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

2 [162.1057. Notwithstanding the provisions
3 of chapter 163 to the contrary, for the purposes
4 of determining state aid, a nonresident student
5 enrolled pursuant to sections 162.1040 to
6 162.1059 in an enrollment option district shall
be counted as a resident pupil.]

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

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