

SECOND REGULAR SESSION

SENATE BILL NO. 434

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS CALLAHAN AND PEARCE.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4373S.011

AN ACT

To repeal sections 162.041, 162.431, and 163.087, RSMo, and to enact in lieu thereof three new sections relating to changes in school district boundary lines.

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

Section A. Sections 162.041, 162.431, and 163.087, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 162.041,
3 162.431, and 163.087, to read as follows:

162.041. 1. If the school boards of the several districts cannot agree upon
2 an adjustment and apportionment of property and indebtedness as provided in
3 section 162.031, the board of either district may appeal to the state board of
4 education, which shall appoint three persons as a board of arbitration to make an
5 adjustment and apportionment of property and indebtedness in accordance with
6 section 162.031. **The board of arbitration shall rule in a manner**
7 **consistent with the preliminary adjustments and apportionments**
8 **determined prior to the election, as specified in subsection 1 of section**
9 **162.431, unless new and significant circumstances necessitate**
10 **alterations to the preliminary adjustments and apportionments, in**
11 **which case the board of arbitration shall explicitly state in writing the**
12 **reasons why the preliminary adjustments and apportionments are not**
13 **being strictly observed.** The board of arbitration may hold hearings after
14 giving the affected districts reasonable notice thereof before making its
15 award. Each member of the board of arbitration shall be paid fifty dollars per
16 day by the district instituting the appeal.

17 2. Any sum awarded by agreement of the school boards or by decision of
18 a board of arbitration to any school district shall be a legal and valid claim in its

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

19 favor and against the school district charged therewith. The amount of
20 indebtedness, if any, apportioned to any school district shall be a legal and valid
21 obligation.

162.431. 1. When it is necessary to change the boundary lines between
2 seven-director school districts, in each district affected, ten percent of the voters
3 by number of those voting for school board members in the last annual school
4 election in each district may petition the district boards of education in the
5 districts affected, regardless of county lines, for a change in boundaries. The
6 question shall be submitted at the next election, as the term election is referenced
7 and defined in section 115.123. **Once the district boards of education in the
8 districts affected have been petitioned, but not less than sixty days
9 prior to the election, the boards of each affected district shall meet, in
10 consultation with the department of elementary and secondary
11 education, and agree to preliminary adjustments and apportionments
12 of all school property, real and personal, including moneys and a like
13 apportionment of indebtedness, as specified in sections 162.031 and
14 162.041, that would occur if the boundary line change were approved.
15 If the districts cannot agree on such preliminary adjustments and
16 apportionments, the state board of education shall appoint a three
17 person board of arbitration to determine the preliminary adjustments
18 and apportionments of property and indebtedness to be followed if the
19 boundary line change occurs in the same manner as contemplated in
20 section 162.041.**

21 2. The voters shall decide the question by a majority vote of those who
22 vote upon the question. If assent to the change is given by each of the various
23 districts voting, each voting separately, the boundaries [are] **shall be** changed
24 [from that date] **at the beginning date of the next school year.**

25 3. If one of the districts votes against the change and the other votes for
26 the change, the matter may be appealed to the state board of education, in
27 writing, within fifteen days of the submission of the question by either one of the
28 districts affected, or in the above event by a majority of the signers of the petition
29 requesting a vote on the proposal. At the first meeting of the state board
30 following the appeal, a board of arbitration composed of three members, none of
31 whom shall be a resident of any district affected, shall be appointed. In
32 determining whether it is necessary to change the boundary line between
33 seven-director districts, the board of arbitration shall base its decision upon the

34 following:

35 (1) **The current accreditation status of each affected district. The**
36 **board shall determine the boundary line changes in a manner that**
37 **moves students out of unaccredited and provisionally accredited**
38 **districts and into accredited districts;**

39 (2) **If each district is classified as accredited by the state board**
40 **of education, then the board of arbitration shall base its decision on the**
41 **following criteria:**

42 (a) The presence of school-aged children in the affected area;

43 [(2)] (b) The presence of actual educational harm to school-aged children,
44 either due to a significant difference in the time involved in transporting students
45 or educational deficiencies in the district which would have its boundary
46 adversely affected; and

47 [(3)] (c) The presence of an educational necessity, not of a commercial
48 benefit to landowners or to the district benefitting for the proposed boundary
49 adjustment.

50 For purposes of **paragraph (b) of** subdivision (2) of this subsection, "significant
51 difference in the time involved in transporting students" shall mean a difference
52 of forty-five minutes or more per trip in travel time. "Travel time" is the period
53 of time required to transport a pupil from the pupil's place of residence or other
54 designated pick-up point to the site of the pupil's educational placement.

55 4. Within twenty days after notification of appointment, the board of
56 arbitration shall meet and consider the necessity for the proposed changes and
57 shall decide whether the boundaries shall be changed as requested in the petition
58 or be left unchanged, which decision shall be final. The decision by the board of
59 arbitration shall be rendered not more than thirty days after the matter is
60 referred to the board. The chairman of the board of arbitration shall transmit the
61 decision to the secretary of each district affected who shall enter the same upon
62 the records of his district and the boundaries shall thereafter be in accordance
63 with the decision of the board of arbitration. The members of the board of
64 arbitration shall be allowed a fee of fifty dollars each, to be paid at the time the
65 appeal is made by the district taking the appeal or by the petitioners should they
66 institute the appeal.

67 5. If the board of arbitration decides that the boundaries shall be left
68 unchanged, no new petition for the same, or substantially the same, boundary
69 change between the same districts shall be filed until after the expiration of two

70 years from the date of the [municipal] election at which the question was
71 submitted to the voters of the districts.

72 **6. For the three school years subsequent to a change in school**
73 **district boundary lines, the receiving district may, but shall not be**
74 **required to, include the statewide assessment scores of any students it**
75 **receives as a result of the boundary line change in the statewide**
76 **assessment scores for the school district.**

77 **7. Notwithstanding section 163.011, when a school district**
78 **experiences an increase in student enrollment as a result of a change**
79 **in school district boundary lines under this section during the two**
80 **school years immediately following the change in school district**
81 **boundary lines, such district's weighted average daily attendance count**
82 **shall be adjusted in such a manner that the aggregate weighted average**
83 **daily attendance figure for those students whom the district received**
84 **as a result of the boundary line change shall be doubled when**
85 **calculating the total weighted average daily attendance for the district.**

86 **8. Notwithstanding subsection 1 of section 163.036, when a school**
87 **district experiences a decrease in student enrollment as a result of a**
88 **change in school district boundary lines under this section during the**
89 **school year immediately following the change in school district**
90 **boundary lines, such school district may only use an estimate of the**
91 **weighted average daily attendance for the current year. During the**
92 **second school year following the change in school district boundary**
93 **lines, such school district may use an estimate of the weighted average**
94 **daily attendance for the current year or the weighted average daily**
95 **attendance for the immediately preceding school year, whichever is**
96 **greater. During the third school year following the change in school**
97 **district boundary lines and subsequent years, such school district may**
98 **use an estimate of the weighted average daily attendance for the**
99 **current year, the weighted average daily attendance for the**
100 **immediately preceding school year, or the weighted average daily**
101 **attendance for the second preceding school year, whichever is greater.**

102 **9. In the event that a change in school district boundary lines**
103 **occurs that results in a charter school no longer being located within**
104 **the boundary of a school district identified in subsection 1 of section**
105 **160.400, the district in which the charter school is newly located and**
106 **the governing board of the charter school may enter into an agreement**

107 to incorporate the charter school into the district and to operate the
108 school as a regular school building of the district. If such an agreement
109 is reached, the district shall make arrangements to allow the students
110 enrolled in the charter school at the time of the boundary change to
111 continue attending the same school building until they graduate,
112 regardless of where the students reside. The department of elementary
113 and secondary education may grant waivers as it sees fit for the
114 converted charter school to continue to operate in a manner similar to
115 which it operated as a charter school, while functioning as a non-
116 charter public school building of the new school district.

163.087. 1. Money in the school district trust fund shall be distributed
2 to each school district in the state in the same ratio that the weighted average
3 daily attendance in the district bears to the total weighted average daily
4 attendance in all such school districts for the preceding year, except as otherwise
5 provided in **subsection 4 of this section and** section 163.031. In addition,
6 each such district which is providing an approved program for pupils residing on
7 federal lands shall receive an amount which shall be determined as follows:
8 weighted average daily attendance for pupils residing on federal lands shall be
9 calculated separately for the district in the manner provided in section 163.011,
10 treating such pupils as residents of the district for this purpose. Such weighted
11 average daily attendance shall be multiplied by one-half of the amount to be
12 received by the district, pursuant to this subsection, per weighted average daily
13 attendance not residing on federal lands.

14 2. Money in the fund shall be distributed monthly. The state board of
15 education shall certify the amounts to be distributed to the several school
16 districts to the commissioner of administration who shall issue the warrants
17 therefor.

18 3. Money received by a school district from the school district trust fund
19 shall be deemed to be local tax revenue derived for the same fiscal year in which
20 the money is received for the teachers' and incidental funds. In the calculation
21 of state aid for the district under the provisions of section 163.031, one-half the
22 amount received by the district in the first preceding year shall be included in
23 local effort as provided in section 163.031.

24 4. **If a change in school district boundary lines occurs under**
25 **section 162.431, the department of elementary and secondary education**
26 **shall modify the school district trust fund payment amounts to the**

27 **districts affected by the change in district boundary lines during the**
28 **first academic year in which the districts' boundaries are changed to**
29 **accurately reflect each district's current weighted average daily**
30 **attendance count. In each subsequent year, such districts' payments**
31 **shall be determined by the first preceding year weighted average daily**
32 **attendance count as provided in subsection 1 of this section.**

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