

FIRST REGULAR SESSION

SENATE BILL NO. 289

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS GOODE, FLOTRON,
SCOTT, SIMS, CLAY AND SCHNEIDER.

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TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 162.895, RSMo 1994, and sections 162.856, 162.857 and 162.867, RSMo Supp. 1998, relating to career and vocational education, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

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

Section A. Section 162.895, RSMo 1994, and sections 162.856, 162.857 and 162.867, RSMo Supp. 1998, are repealed and six new sections enacted in lieu thereof, to be known as sections 162.856, 162.857, 162.867, 162.895, 162.896 and 162.898, to read as follows:

162.856. 1. In each special school district with a population in excess of one hundred thousand persons, there is hereby established a "Governing Council" which shall consist of one member of the board of education of each school district, all or a portion of which is contained in the special school district. The first governing council shall be formed on or before May 31, 1996[, or the effective date of this section, May 24, 1996, whichever is later]. Each member of the governing council shall be elected by the board of education of the school district on which the member serves. The board of education of a school district within the special school district may elect a new member to the governing council to fill a vacancy from that district and may replace the existing district member on the governing council at any time, upon providing written notice of the change to the secretary of the governing council.

2. The governing council of a special school district shall have the following powers and duties:

(1) To establish such rules and procedures as may be necessary to carry out its powers and duties as provided in this section;

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

(2) To elect a chairman, a secretary and such other officers as it deems necessary;

(3) To review and [give final approval of] **approve** the annual budget **for special education** of the special school district subject to the following provisions:

(a) For the [1996-97, 1997-98 and] 1998-99 school [years] **year**, the board of education of a special school district shall submit its proposed budget to the governing council no later than April first prior to the beginning of the school year[, except that, for the 1996-97 school year only, the board of education shall submit its proposed budget to the governing council no later than thirty days after May 24, 1996]. The governing council shall then either accept this budget proposal or make any amendments it deems appropriate and adopt the annual budget as amended no later than sixty days after receipt of the proposed budget;

(b) For the 1999-2000 school year and each school year thereafter:

a. The board of education of a special school district shall develop, in cooperation with the governing council, its annual budget **for special education** which shall, following adoption by the board, be submitted to the governing council no later than April first prior to the beginning of the school year for final approval;

b. The governing council shall accept or reject the proposed budget by May first prior to the beginning of the school year. If rejected, the proposed budget shall be returned to the board of education no later than May first with a statement setting forth the reasons for the rejection;

c. The governing council and the board of education shall resolve any differences regarding approval of the budget by June thirtieth prior to the beginning of the school year;

(4) For the 1999-2000 school year and each school year thereafter:

(a) The cooperative board established pursuant to section 162.896 of a cooperative containing the special school district shall develop, in cooperation with the governing council and the board of education of the metropolitan school district in the cooperative, its annual budget for vocational and technical education which shall, following adoption by the cooperative board, be submitted to the governing council and the board of education of the metropolitan school district no later than April first prior to the beginning of the school year for final approval;

(b) The governing council and the board of education of the metropolitan school district shall accept or reject the proposed budget by May first prior to the beginning of the school year. If rejected, the proposed budget shall be returned to the cooperative board no later than May first with a statement setting forth the reasons for the rejection;

(c) The governing council, the board of education of the metropolitan school district and the cooperative board shall resolve any differences regarding approval of the budget by June thirtieth prior to the beginning of the school year, provided that, if the differences are not resolved by June thirtieth, the tuition shall be established by the state board of education in the manner provided in section 178.510, RSMo;

[(4)] (5) To annually review, conduct public hearings on and approve a rolling five-year plan for the operation and management of the district which shall be annually developed by the board of education of the special school district. The plan shall contain, but not be limited to, the following:

- (a) The delivery of services;
- (b) The structure, governance, administration and financial management of the district;
- (c) Cooperation with component school districts; and
- (d) Responsiveness to the needs and concerns of the citizens of the special school district.

The plan shall be first approved by the governing council on or before December 31, 1996, and shall be reviewed and approved annually on or before December thirty-first of each following year;

[(5)] (6) To consult with the parental advisory committee established in section 162.858;

[(6)] (7) To hold at least four meetings per school year and such other meetings, called by the chairman of the council, a majority of the council members or the board of education of the special school district, as may be necessary to transact business and fulfill the duties established under this section. All meetings of the governing council shall be open to the public, pursuant to chapter 610, RSMo. Minutes shall be kept of all proceedings and shall be a public record;

[(7)] (8) To compel the attendance of the superintendent, members of the board of education, or any employee of the special school district and the production of papers, records, testimony, and other materials relating to the special school district, and to administer oaths to witnesses and take testimony under oath;

[(8)] (9) To conduct a study to determine whether a plan should be developed whereby the local school districts assume greater responsibility and authority in the education of children with disabilities.

3. Unless a greater majority is otherwise required, all actions of the governing council shall require a majority of the authorized members who represent at least fifty percent of the population of the district. Population figures shall be adjusted based on the latest census data available.

4. (1) The governing council shall establish a special education superintendents' council and a vocational and technical education superintendents' council. The purpose of each such council is to assure high quality education programs, to coordinate better access to services and information for parents and students served by the special school district and local school districts and to make the delivery of services by the special school district and local school districts a fully-integrated system.

(2) Each council shall consist of thirteen superintendent members, and the governing council shall establish the initial appointment of county superintendents to the two councils to best provide a balance of district enrollment and location in each

council. The superintendent of the metropolitan school district shall be a permanent member of the vocational and technical education superintendents' council. The superintendent or executive director of vocational and technical education shall be permanently appointed to the vocational and technical education superintendents' council. The superintendent of special education of the special school district shall be permanently appointed to the special education superintendents' council. The governing council shall select six members of each superintendents' council, but not to include the superintendent of the metropolitan school district, to serve initial terms of one year, and all other terms shall be for two years. At the expiration of a term, each superintendent, other than those permanently appointed to a single council, shall be transferred to the other council and serve for a term of two years. No designee may be permitted to act on behalf of any superintendent or executive director in any council meetings, activities, discussions or votes.

162.857. 1. The board of education of a special school district with a population of more than one hundred thousand persons shall consist of seven members to be elected as provided in section 162.867. In addition to the duties required of boards of education of special school districts pursuant to sections 162.670 to 162.995, the board shall perform the same duties and is subject to the same liabilities as the board of a seven-director school district, other than an urban district, acting under the general school laws of the state of Missouri, except that those powers and duties specifically reserved to the governing council pursuant to section 162.856 shall remain with the governing council and shall not be granted to the board of education.

2. The board of education of a special school district with a population of more than one hundred thousand persons shall have the power to:

(1) Establish and operate programs for the education of handicapped and severely handicapped children residing in the district subject to rules and regulations of the state board of education and the state department of elementary and secondary education promulgated pursuant to sections 162.670 to 162.995;

(2) Develop and adopt the annual budget for **special education** for submission and final approval of the governing council;

(3) To authorize **in cooperation with the governing council** all tax levies **for special education purposes** by two-thirds approval of the board of education prior to submission of the tax levy proposal to the voters of the district as provided by law;

(4) Annually develop and submit to the governing council of the district for approval a five-year plan for the operation and management of the district required pursuant to section 162.856. In developing the plan, the board of education shall solicit a broad range of public input;

(5) Until such time [set by the court] **as programs are operated by the cooperative established pursuant to section 162.896** but no later than June 30, 2000, establish and operate

programs for the vocational education of residents of the district;

(6) Employ teachers and other personnel necessary to provide these programs;

(7) Ensure that there is no coercion or interference with any parent of a pupil of the special school district on account of the parent having exercised any rights under any law affecting the education of the pupil; and

(8) Do such other things as are necessary and incidental to any of the foregoing powers whether set forth in sections 162.670 to 162.995 or in the laws applicable to seven-director school districts, except urban districts.

162.867. 1. Board of education members of a special school district with a population of more than one hundred thousand persons in office on the effective date of this section shall serve the remainder of their terms and shall serve until their successors are duly elected and qualified pursuant to this section.

2. On and after the effective date of this section, each new member of a board of education of a special school district with a population of more than one hundred thousand persons shall be elected pursuant to this section by the governing council established pursuant to section 162.856.

3. Pursuant to this section, each qualified candidate for the board of education of a special school district with a population of more than one hundred thousand persons shall:

(1) Be a voter of the district who has resided within the state for one year next preceding selection to the board and is resident in the subdistrict in which the candidate files;

(2) Be at least twenty-four years of age[;

(3) Neither solicit nor accept monetary or in-kind contributions as defined in section 130.011, RSMo, from any organization which has a financial, equitable or beneficial interest in the special school district, unless:

(a) Such contributions are disclosed in writing to the governing council and available to the public upon request and free of charge;

(b) Such disclosure contains the name, address, phone number of contributor; and

(c) Such contribution is less than two hundred dollars for the election cycle].

[2.] 4. No member of the board of education of a special school district with a population of more than one hundred thousand persons shall:

(1) Vote on, solicit, transact, offer, or accept any contract between the special school district and any corporation, partnership, association, or other organization in which that member of the board of education has a financial interest, unless otherwise provided herein, excluding interests owned prior to such member's election;

(2) Hold any office or employment of profit from the board of education of the special school district while serving. However, nothing in this section shall be construed to preclude a person from being elected to or serving on the board of education of the special school district on

the basis that the person is related to a pupil of the special school district or to a pupil of any school district all or a portion of which is contained within the special school district; or

(3) Vote on, solicit, transact, offer, or accept any contract or procurement in which that board member shall have a direct or indirect beneficial interest, unless:

(a) The material facts as to such member's relationship or interest and as to the contract or transaction are disclosed in writing and are known to the board and governing council, and such governing council and board, in good faith, authorize the contract or transaction by the affirmative vote of the majority of the disinterested members; and

(b) Such member's relationship or interest in such contract or transaction shall not be voted upon by such interested member.

[3.] **5.** Beginning in April, 1997, and every third year thereafter, two members shall be elected. Beginning in April, 1998, and every third year thereafter, two members shall be elected. Beginning in April, 1999, and every third year thereafter, three members shall be elected. [An election] **A member** shall be [held] **elected** to fill each open seat on the board of education[, and qualified citizens may file for the open seat in the subdistrict where they reside and the names of all candidates who file shall appear on the election ballot].

[4.] **6.** Board members shall serve three year terms and shall serve until their successors are duly elected and qualified.

[5.] **7.** The board of education shall, upon formation and each decade within ninety days following the publication of the final decennial census figures thereafter, adopt a resolution calling for the formation of a redistricting committee. Upon adoption of such resolution, the secretary of the board of education shall forward a certified copy thereof to the state board of education. The redistricting committee shall consist of three residents within the district, appointed by the board of education of the special school district, plus three additional persons resident within the special school district, appointed by the state board of education. Thereafter, the redistricting committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption, the redistricting committee shall forward a copy of the plan certified by the secretary of the redistricting committee to the state board of education for its approval or disapproval. The state board of education shall approve any redistricting plan which divides the special district into seven subdistricts of equal population, taking into account insofar as possible existing school district boundary lines. Upon approval by the state board of education, the redistricting plan shall become effective and all board members selected thereafter shall be selected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. If a redistricting plan has not been adopted within one year after the publication of the decennial census figures, the state board of education shall provide the redistricting plan. No member of the redistricting

committee shall serve on the board of education for a period of six years following such service on the redistricting committee.

[6.] **8.** The structure of the board of education and the selection of members of the board of education of a special school district with a population of more than one hundred thousand persons shall be as established pursuant to this section, except as may be otherwise approved by the voters of the special school district under section 162.858.

162.895. **1.** The special school district shall provide free vocational instruction for children under the age of twenty-one years resident within the district's boundaries. The vocational program of instruction shall be approved by the state department of elementary and secondary education and shall be so designed as to provide sufficient vocational and academic training for the student to receive a high school diploma at the completion of the twelfth grade. The board of education of the special school district, subject to the approval of the state department of elementary and secondary education, shall establish standards for admission to vocational programs operated by the district.

2. This section shall apply only to special school districts with a population of not more than one hundred thousand persons.

162.896. **1. A vocational-technical education cooperative is hereby established for any special school district with a population of more than one hundred thousand persons and the metropolitan school district. The cooperative shall establish and maintain, as provided in this section, vocational and technical education programs for children under the age of twenty-one years resident within the cooperative's boundaries. The vocational program of instruction shall be approved by the state department of elementary and secondary education and shall be so designed as to provide sufficient vocational and academic training for the student to receive a high school diploma at the completion of the twelfth grade.**

2. The governing body of the cooperative shall be a cooperative board which shall consist of seven members elected by the governing council of the special school district and the governing body of the metropolitan school district within the cooperative, and the number of members elected from the special school district by the governing council and the number of members elected from the metropolitan school district within the cooperative by the governing body of the metropolitan school district, respectively, shall be in proportion to the total population in the special school district and metropolitan school district within the cooperative, respectively.

3. The cooperative board shall appoint a superintendent or an executive director for vocational and technical education, who shall be the chief administrative officer of the vocational and technical education programs of the cooperative.

4. The special school district within the cooperative shall continue to operate vocational and technical education programs for pupils residing in the cooperative

until June 30, 2000, unless the cooperative assumes the operation of such programs prior to that date. The cooperative shall assume the operation of any career education school located in the metropolitan school district as of July 1, 1999.

5. The cooperative board shall develop and adopt the annual budget for vocational and technical education for submission and final approval of the governing council and the board of education of the metropolitan school district.

6. The cooperative shall receive tuition for pupils educated by the cooperative. The tuition for each resident pupil enrolled in public vocational or technical programs operated by the cooperative shall be established by the cooperative, subject to approval by the governing council of the special school district within the cooperative and the governing body of the metropolitan school district within the cooperative. Tuition shall be paid by the metropolitan school district for students residing in the metropolitan school district and paid by the special school district within the cooperative for students residing in the special school district within the cooperative who are enrolled in public vocational or technical programs operated by the cooperative.

7. Vocational and technical education buildings owned by the special school district within the cooperative shall be leased to the cooperative board for one dollar per year. The vocational and technical building to be established in the metropolitan school district within the cooperative shall be leased to the cooperative board for one dollar per year. The cooperative shall be responsible for normal, ongoing maintenance of instructional buildings used by the cooperative. The district owning the building shall be responsible for major renovation and new construction of instructional buildings used by the cooperative.

8. The special school district within the cooperative may provide centralized support services on a contract basis for both special and vocational and technical education within the cooperative and any such services provided to the cooperative shall be paid for out of the budget of the cooperative.

9. Vocational and technical education instructional personnel of the special school district within the cooperative shall be transferred to employment under the cooperative board with retention of tenure, years of service and benefits. Any personnel of the metropolitan school district within the cooperative employed by the cooperative may continue to participate in the school retirement system of the metropolitan school district within the cooperative or may participate in the public school retirement system, and, if participating in the public school retirement system, may transfer creditable service along with the required contribution as determined by the public school retirement system to the extent and in the manner otherwise provided by law or may retain creditable service in the school retirement system of the

metropolitan school district, while other employees and all new employees of the cooperative shall participate in the public school retirement system.

10. The cooperative shall assume the operation of the career education schools of the metropolitan school district within the cooperative as of July 1, 1999. The cooperative shall determine which programs shall be operated by the cooperative and shall determine if there are noncareer-related programs which should be operated by the metropolitan school district within the cooperative or should be discontinued. Instructional personnel of the career education district shall remain with the program to which they are assigned on the effective date of this section and shall retain tenure, years of service and benefits in the district to which the program is assigned by the cooperative pursuant to this subsection.

162.898. 1. The governing council of a special school district with a population of more than one hundred thousand persons shall designate the proportion of the special school district levy which shall be for special education and the proportion which shall be for vocational and technical education purposes based, to the greatest extent possible, on proposed budgets, current expenditures and historical data regarding levies.

2. Tax levy increases for such special school districts shall be proposed as follows:

(1) Tax levy increases shall be specifically designated for "special education purposes" or for "vocational and technical education purposes", or both, and if for both, the ballot shall specify the appropriate amount of levy for each purpose;

(2) Proposed levy increases for special education purposes shall be approved by the governing council and the board of education of the special school district;

(3) Proposed levy increases for vocational and technical education purposes shall be approved by the governing council and the board of education of the special school district.

Section B. Because of the need to provide for coordinated career and vocational education programs in certain areas affected by federal school desegregation court orders, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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