

HCS HB 118 -- STUDENT TRANSFERS (Wood)

COMMITTEE OF ORIGIN: Standing Committee on Elementary and Secondary Education

This bill changes the laws regarding elementary and secondary education.

DEFINITIONS

The definition of "graduation rate" is revised to the rate as defined by the Missouri School Improvement Program and "school term" is revised to specify that 1044 hours of actual pupil attendance is required with no minimum number of school days required (Section 160.011, RSMo).

MINIMUM NUMBER OF SCHOOL DAYS

Currently, public schools are required to be in session for a minimum of 174 days and 1,044 hours. Beginning in the 2018-2019 school year, this bill changes the requirement to a minimum of 1,044 hours of actual pupil attendance with no minimum number of required school days except for kindergarten pupils who must be provided a minimum of 522 hours of actual pupil attendance with no minimum number of days.

Beginning in the 2018-2019 school year, when determining the amount of state aid to the Division of Youth Services in the Department of Social Services for educational services to elementary and secondary students who have been assigned to the division by the courts and who have been determined as inappropriate for local public school attendance, the number of full-time equivalent students must be determined by dividing 1,044 hours by the number of student hours. A student hour must mean one hour of education services provided for one student.

Beginning in the 2018-2019 school year, each school calendar must include 36 make-up hours for possible loss of attendance due to inclement weather. A school district may be exempt from the requirement to make up school lost or canceled due to inclement weather when the district has made up the required 36 hours and half the number of additional lost or canceled hours up to 48, resulting in no more than 60 total make-up hours. The Commissioner of Education within the Department of Elementary and Secondary Education may provide, upon request, a waiver for any school district to be excused from the 1,044 hours of actual pupil attendance requirement.

Currently, a school with a five-day school week may not exceed a

seven hour school day or eight hour school day for specified districts. The bill removes this provision.

Effective July 1, 2018, certain provisions relating to a school district establishing a four-day school week are repealed. However, provisions remain in statute that continue to allow a district to establish a four-day school week (Sections 160.041, 163.021, 163.073, 171.031, 171.029, and 171.033).

NONRESIDENT PUPILS

Charter schools must enroll nonresident pupils who transfer from an unaccredited school district under Section 167.826, so long as the charter school is an approved charter school, as defined in that section (Section 160.410).

TUITION PAYMENTS

An approved charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to it from an unaccredited school (Section 160.415).

STATE BOARD OF EDUCATION INTERVENTION POWERS

The bill allows the State Board of Education to lapse the corporate organization of all or part of an unaccredited school district. If the state board appoints a special administrative board for the operation of a part of an unaccredited school district, it must determine an equitable apportionment of state and federal aid for the part of the district. In addition, the school district must provide local revenue in proportion to the weighted average daily attendance of the part governed by the special administrative board (Section 162.081).

The state board may appoint members of the elected board to a special administrative board but members of the elected board must not comprise more than 49% of the special administrative board's composition.

Nothing in this provision must be construed to permit either the state board or a special administrative board to raise, in any way not specifically allowed by law, the tax levy of the district or any part of the district without a vote of the people.

When the state board determines another form of governance for an unaccredited district, that other form of governance will be subject to the following provisions of law: it will retain the authority granted to a board of education; it will expire at the

end of the third year of its appointment unless reauthorized; it will not be deemed to be the state or a state agency; and it will not be considered a successor entity for purposes of employment contracts, unemployment compensation, or any other purpose.

If the state board reasonably believes that a school district is unlikely to provide for the minimum number of school hours required in a school term because of financial difficulty, the state board may, prior to the start of the school term, allow continued governance by the existing district school board under terms and conditions established by the state board. As an alternative, the state board may lapse the corporate organization of the district and implement one of the options available to the state board to intervene in an unaccredited district. However, this provision must not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students.

PARENT NOTIFICATION OF UNACCREDITED STATUS

When the State Board of Education classifies any district as unaccredited, or when an attendance center receives two or more consecutive annual performance scores consistent with a classification of unaccredited, the district must notify the parent or guardian of students enrolled in the district or center of the loss of accreditation within 14 business days. The notice must also include an explanation of which students may be able to transfer, the transfer process, and any services students may be entitled to receive. This notice must be posted in a conspicuous and accessible place in each district attendance center and must be sent to each municipality located in the boundaries of the school district (Section 162.081).

HARDSHIP REASSIGNMENTS

Currently, the Commissioner of Education may reassign any pupil to another school district if attendance in the district of residence constitutes an unusual or unreasonable transportation hardship. If it is determined that the pupil should not be reassigned, this bill allows the pupil to appeal the decision to a board of arbitration within 10 days of notification of the decision. The board will consist of three members appointed by the commissioner and must make its decision within 15 days of notification of the appeal. Any decision of the board will be final. If a hardship reassignment is granted to a pupil, it will continue until the pupil has completed his or her course of study or withdraws from the receiving district and will apply to each sibling of the pupil (Section 167.121).

STUDENT TRANSFERS

Currently, the school board of a school district that does not maintain an accredited school is required to pay the tuition of and provide transportation for resident pupils who attend an accredited school in another district of the same or an adjoining county. This provision currently applies to both unaccredited school districts and K-8 school districts that do not offer high school grades. The bill repeals the provisions applicable to unaccredited school districts so that it only applies to K-8 school districts (Section 167.131).

RECEIVING DISTRICTS AND CHARTER SCHOOLS

This section provides definitions of terms and sets tuition rates to be paid by sending districts as specified in the bill.

TRANSPORTATION OF PUPILS TO ANOTHER DISTRICT

This section changes the dynamics of when a district of residence provides transportation of pupils to another district. Currently, a district of residence must provide transportation for pupils whose tuition is paid by the district due to the requirements of Section 167.131 and for students who are assigned as provided in Section 167.121. However, the district currently only must provide transportation for students falling under Section 167.131 when the students are being transported to approved charter schools, as defined in Section 167.131, school districts accredited by the State Board of Education, or those school districts designated by the board of education of the district of residence (Section 167.241).

As described in the bill, districts of residence will still be responsible for providing transportation for students falling under the immediately above descriptions in regards to Sections 167.131 and 167.121. Those transportation requirements will now be applied for pupils whose tuition the district of residence is required to pay by Section 167.826. Schools will not have to provide transportation to approved charter schools for pupils covered by Section 167.131.

For pupils covered by Section 167.826, the district of residence will be required to provide transportation only to school districts or approved charter schools designated by the Department of Elementary and Secondary Education (DESE). For students covered under Section 167.826, DESE or its designee must designate at least one accredited district or approved charter school to which the district of residence will provide transportation, as described within the bill.

BRAILLE READING

This bill requires a student to receive instruction in Braille reading and writing as part of his or her individualized education plan unless, as a result of an assessment, instruction in Braille or the use of Braille is determined not appropriate for the child (Section 167.225).

COUNSELING PROGRAM

This bill allows the board of education of any school district or a charter school that is a local educational agency to establish an academic and career counseling program. Parents and the local community will provide cooperation in determining if the program is in the best interest of and meets the needs of students in the community. In addition, DESE will develop a process for recognition of the district's program (Section 167.266).

STUDENT TRANSFERS

Any student may transfer to another public school in the student's district of residence if said student is enrolled and has attended, for the full semester immediately prior to requesting the transfer, an attendance center, as defined in the bill, that is located within an unaccredited district and that has an annual performance report score consistent with a classification of unaccredited. However, such transfers will not be allowed if they result in a class size or assigned enrollment in a receiving school that exceeds the standards promulgated in the MSIP resource standards. Any student wishing to transfer to a magnet school, an academically selective school, or a school with a competitive entrance process must meet those admissions requirements in order to attend.

The school board of each unaccredited district must determine the capacity at each of said districts attendance centers that have an annual performance report score consistent with accredited. The district's school board will be responsible for coordinating transfers within the district as allowed under Section 167.241.

The school board of each unaccredited district must annually make a report to DESE or its designee with the following information: the number of available slots in attendance centers that have annual performance report scores consistent with the classification of accredited, the number of students who request to transfer within the district, and the number of such transfers that are granted.

Any student who is eligible to transfer within his or her district but who is unable to do so due to a lack of capacity in the

attendance centers in his or her district of residence may apply to DESE or its designee to transfer to:

- 1) An attendance center that is located within an accredited district that is located in the same or an adjoining county and that has an annual performance report (APR) score consistent with a classification of accredited; or
- 2) An approved charter school located in another district in the same or an adjoining county.

A student who is eligible to begin kindergarten or first grade at an attendance center located within an unaccredited district that has an APR score consistent with the classification of unaccredited and that offers classes above the second grade level may apply to DESE for a transfer to one of the two schools described immediately above. Such student must reside in the attendance area of the unaccredited school on March 1 preceding the school year of first attendance. A student who does not apply by March 1 must be required to enroll and attend for one semester to become eligible.

Any student who does not maintain residency in the attendance zone of his or her attendance center in the district of residence will lose eligibility to transfer. With exception, a student who transfers but later withdraws shall also lose eligibility to transfer.

No student enrolled in and attending an attendance center that does not offer classes above the second grade will be eligible to transfer under this section.

An unaccredited district, provisionally accredited district, unaccredited attendance center, or provisionally accredited attendance center cannot be eligible to receive transfer students, except that, within an unaccredited district, students may transfer from unaccredited attendance centers to accredited attendance centers, and a transfer student who chooses to attend a provisionally accredited attendance center in the district of residence must be allowed to transfer to the school if there is an available slot.

If a receiving district becomes unaccredited or provisionally accredited, or if an approved charter school loses such status, any students who previously transferred to the district or charter school will receive the opportunity to remain enrolled or to transfer to another district or approved charter school without losing their eligibility to transfer.

No attendance center that has received two consecutive APR reports

consistent with a classification of provisionally accredited for the years immediately preceding the year in which it seeks to enroll transfer students will be eligible to receive transfer students, regardless of its state board classification designation, except that any student who was granted a transfer to the attendance center prior to the effective date of the bill may remain enrolled in that attendance center.

Districts and charter schools that receive student transfers are not required to exceed the class size and assignment enrollment standards of its approved policy on class size; hire additional classroom teachers; or construct additional classrooms unless the school board of the receiving district or the receiving approved charter school's governing board has approved the action.

By July 15, 2017, the board of education of each available receiving district and the governing board of each approved charter school must set the number of transfer students they are willing to receive for the 2017-18 school year. They must set such numbers annually by February 1. They shall also publish such numbers and will not be required to accept any transfer students under this section that would cause it to exceed said number.

Available receiving districts and approved charter schools must adopt a policy establishing a tuition rate annually for transfer students by February 1.

If an unaccredited school becomes provisionally accredited or accredited without provisions, any resident student who transferred under one of the transfer options must be permitted to continue his or her educational program in that education option through the completion of middle school, junior high, or high school as specified in the bill.

When costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount, the transfer student's district of residence must remain responsible for paying the excess cost to the receiving district or charter school. When the receiving district is a component district of a special school district, the transfer student's district of residence must contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation. The special school district may contract with a district operating an unaccredited school for the provision of transportation of a student with a disability. A special school district must continue to provide special education and related services, with the exception of transportation, to a student with a disability transferring from an unaccredited school within a component district to an accredited

school within the same or a different component district within the special school district.

When the St. Louis City School District operates an unaccredited school, it must remain responsible for the provision of special education and related services, including transportation, to students with disabilities. A special school district in an adjoining county may contract with the St. Louis City School District for the reimbursement of special education services provided by the special school district for transfer students who are residents of the unaccredited district.

Regardless of whether transportation is identified as a related service within a student's individualized education program, a receiving district that is not part of a special school district must not be responsible for providing transportation to a student transferring under these provisions. A district operating an unaccredited school may contract with a receiving district that is not part of a special school district for transportation of students with disabilities. When a district other than St. Louis City operates an unaccredited school, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services provided by the receiving district for transfer students who are residents of the district operating an unaccredited school (Section 167.826).

ELIGIBLE DISTRICTS

By July 15, 2017, and by January 1 annually, each district eligible to receive transfer students must report to DESE the number of its available enrollment slots in accredited schools by grade level. Each unaccredited district must report the number of available enrollment slots in the district's accredited attendance centers. Each approved charter school eligible to receive transfer students must report the number of available enrollment slots by the same dates.

The department must make information and assistance available to parents or guardians who intend to transfer their child using one of the transfer options. The parent or guardian who intends to transfer his or her child must send initial notification to DESE by March 1 for enrollment in the subsequent school year. The department must assign transfer students as space allows. When assigning students to approved charter schools, the education authority must coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school must not be required to receive any transfer student that

would require it to institute a lottery procedure for determining the admission of resident students. The education authority must give first priority to students who live in the same household with family members within the first or second degree of consanguinity or affinity who have already transferred and who apply to transfer to the same accredited school. If insufficient grade-appropriate enrollment slots are available for a student to transfer, that student must receive first priority the following school year. The authority must consider the following factors in assigning schools: the student's or parent's choice of the receiving school, which must be the most important factor; the best interests of the student; and distance and travel time. The authority must not consider student academic performance; free and reduced price lunch status; or athletic ability in assigning a student to a school.

An education authority may deny a transfer to a student, who in the most recent school year, has been suspended from school two or more times or has been suspended for an act of school violence, as specified in the bill. A student who is denied a transfer for this reason has the right to an in-person meeting with a representative of the authority. The department must develop administrative guidelines to provide common standards for determining disruptive behavior that must include criteria under the Safe Schools Act (Section 167.827).

TRANSFER AND TRANSIENT STUDENT DATA

The Department of Elementary and Secondary Education must compile and maintain student performance data scores of all transient and transfer students enrolled in districts other than their resident districts and make the data available on the Missouri Comprehensive Data System. Personally identifiable information must not be accessible on the database (Section 167.890).

TRANSPORTATION OF STUDENTS

The bill allows any school board to contract with a municipality for the purpose of transporting school children (Sections 168.133 and 304.060).

The bill contains an emergency clause and a delayed effective date.

This bill is similar to HB 677, SB 362 (2017), and HB 42 (2015).