

FIRST REGULAR SESSION

HOUSE BILL NO. 443

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

0899H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.051, 160.053, 160.054, 160.055, and 163.018, RSMo, and to enact in lieu thereof three new sections relating to age attainment for school entry.

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

Section A. Sections 160.051, 160.053, 160.054, 160.055, and 163.018, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.051, 160.053, and 163.018, to read as follows:

160.051. 1. A system of free public schools is established throughout the state for the gratuitous instruction of persons between the ages of five and twenty-one years. Any child whose fifth birthday occurs before the first day of ~~August~~ **October** shall be deemed to have attained the age of five years at the commencement of the school year beginning in that calendar year or at the commencement of the summer school session immediately prior to the school term beginning in the school year beginning in that calendar year, whichever is earlier, for the purpose of apportioning state school funds and for all other purposes.

2. Public schools may establish family literacy programs for children of all ages and their families.

3. The department of elementary and secondary education shall not use school for kindergarten pupils in the summer preceding such pupils' regular fall starting date as an element of the standards of the Missouri school improvement program.

160.053. 1. If a school district maintains a prekindergarten program, a child is eligible for admission to that prekindergarten program only if the child has reached the age of three before the first day of ~~August~~ **October** of the school year beginning in that calendar year. If a school district maintains a kindergarten program, a child is eligible for admission to

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.

5 kindergarten and to the summer school session immediately preceding kindergarten, if offered,
6 if the child reaches the age of five before the first day of ~~[August]~~ **October** of the school year
7 beginning in that calendar year or if the child is a military dependent who has successfully
8 completed an accredited prekindergarten program or has attended an accredited kindergarten
9 program in another state. A child is eligible for admission to first grade if the child reaches the
10 age of six before the first day of ~~[August]~~ **October** of the school year beginning in that calendar
11 year or if the child is a military dependent who has successfully completed an accredited
12 kindergarten program in another state.

13 ~~2. [Any kindergarten or grade one pupil beginning the school term and any pupil~~
14 ~~beginning summer school prior to a kindergarten school term in a metropolitan school district~~
15 ~~or an urban school district containing the greater part of the population of a city which has more~~
16 ~~than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and~~
17 ~~subsequently transferring to another school district in this state in which the child's birth date~~
18 ~~would preclude such child's eligibility for entrance shall be deemed eligible for attendance and~~
19 ~~shall not be required to meet the minimum age requirements. The receiving school district shall~~
20 ~~receive state aid for the child, notwithstanding the provisions of section 160.051.~~

21 ~~———3.] Any child who completes the kindergarten year shall not be required to meet the age~~
22 ~~requirements of a district for entrance into grade one.~~

23 ~~[4.] 3.~~ The provisions of this section relating to kindergarten instruction ~~[and state aid~~
24 ~~therefor]~~ shall not apply during any particular school year to those districts which do not provide
25 kindergarten classes that year.

163.018. 1. (1) Notwithstanding the definition of "average daily attendance" in
2 subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who
3 are eligible for free and reduced price lunch and attend an early childhood education program
4 that is operated by and in a district or by a charter school that has declared itself as a local
5 educational agency providing full-day kindergarten and that meets standards established by the
6 state board of education shall be included in the district's or charter school's calculation of
7 average daily attendance. The total number of such pupils included in the district's or charter
8 school's calculation of average daily attendance shall not exceed four percent of the total number
9 of pupils who are eligible for free and reduced price lunch between the ages of five and eighteen
10 who are included in the district's or charter school's calculation of average daily attendance.

11 (2) If a pupil described under subdivision (1) of this subsection leaves an early childhood
12 education program during the school year, a district or charter school shall be allowed to fill the
13 vacant enrollment spot with another pupil between the ages of three and five who is eligible for
14 free and reduced price lunch without affecting the district's or charter school's calculation of
15 average daily attendance.

16 2. This section shall not require school attendance beyond that mandated under section
 17 167.031 and shall not change or amend the provisions of sections 160.051[;] **and** 160.053[;
 18 ~~160.054, and 160.055~~] relating to kindergarten attendance.

2 ~~[160.054. 1. Notwithstanding any provisions of sections 160.051 and~~
 3 ~~160.053, to the contrary, beginning with the 1997-98 school year, all~~
 4 ~~metropolitan school districts, except as provided in subsection 2 of this section,~~
 5 ~~may establish and enforce a regulation which requires that a child shall have~~
 6 ~~attained the age of three by August first for purposes of prekindergarten if a~~
 7 ~~school district maintains such a program, the age of five for purposes of~~
 8 ~~kindergarten and summer school prior to a kindergarten school term, and the age~~
 9 ~~of six for purposes of grade one, on or before any date between August first and~~
 10 ~~October first of that year. The school district shall receive state aid for any child~~
 11 ~~admitted to kindergarten, summer school prior to kindergarten, or grade one~~
 12 ~~pursuant to this section, notwithstanding the provisions of section 160.051.~~

13 ~~2. Any kindergarten or grade one pupil beginning the school term and~~
 14 ~~any pupil beginning summer school prior to a kindergarten school term in a~~
 15 ~~metropolitan school district and subsequently transferring to another school~~
 16 ~~district in this state in which the child's birth date would preclude such child's~~
 17 ~~eligibility for entrance shall be deemed eligible for attendance and shall not be~~
 18 ~~required to meet the minimum age requirements. The receiving school district~~
 19 ~~shall receive state aid for the child, notwithstanding the provisions of section~~
 20 ~~160.051.~~

21 ~~3. Any child who completes the kindergarten year in a metropolitan~~
 22 ~~school district shall not be required to meet the minimum age requirements of~~
 23 ~~another school district in this state for entrance into grade one.~~

24 ~~4. The provisions of subsections 1 and 2 of this section, relating to~~
 25 ~~kindergarten instruction and state aid therefor, shall not apply during any~~
 26 ~~particular school year to those districts which do not provide kindergarten classes~~
 27 ~~that year.]~~

28 ~~[160.055. 1. Notwithstanding any provisions of sections 160.051 and~~
 29 ~~160.053, to the contrary, beginning with the 1997-98 school year, all urban~~
 30 ~~school districts containing the greater part of the population of a city which has~~
 31 ~~more than three hundred thousand inhabitants, except as provided in subsection~~
 32 ~~2 of this section, may establish and enforce a regulation which requires that a~~
 33 ~~child shall have attained the age of three by August first for purposes of~~
 34 ~~prekindergarten if a school district maintains such a program, the age of five for~~
 35 ~~purposes of kindergarten and summer school prior to a kindergarten school term,~~
 36 ~~and the age of six for purposes of grade one, on or before any date between~~
 37 ~~August first and October first of that year. The school district shall receive state~~
 38 ~~aid for any child admitted to kindergarten, summer school prior to kindergarten,~~
 39 ~~or grade one pursuant to this section, notwithstanding the provisions of section~~
 40 ~~160.051.~~

41 ~~2. Any kindergarten or grade one pupil beginning the school term and~~
42 ~~any pupil beginning summer school prior to a kindergarten school term in an~~
43 ~~urban school district in this state containing the greater part of the population of~~
44 ~~a city which has more than three hundred thousand inhabitants and subsequently~~
45 ~~transferring to another school district in this state in which the child's birth date~~
46 ~~would preclude such child's eligibility for entrance shall be deemed eligible for~~
47 ~~attendance and shall not be required to meet the minimum age requirements. The~~
48 ~~receiving school district shall receive state aid for the child, notwithstanding the~~
49 ~~provisions of section 160.051.~~

50 ~~3. Any child who completes the kindergarten year in an urban school~~
51 ~~district containing the greater part of the population of a city which has more than~~
52 ~~three hundred thousand inhabitants shall not be required to meet the minimum~~
53 ~~age requirements of another school district in this state for entrance into grade~~
54 ~~one.~~

55 ~~4. The provisions of subsections 1 and 2 of this section, relating to~~
56 ~~kindergarten instruction and state aid therefor, shall not apply during any~~
57 ~~particular school year to those districts which do not provide kindergarten classes~~
58 ~~that year.]~~

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