

ACTION: Below are recommended revisions to Policy BBBB from MSBA based on new Missouri law.

Recommendation: Amend Policy BBBB as recommended by MSBA.

Section: School Board Governance and Operations

Title: School Board Ballot Issues

Number: BBBB - Critical

Legal Refs: Mo. Const. art. VI, Section 26(b); art. X, Section 11(c)
Sections 115.123, .125, .646, 162.223, .431, .441, .451,
164.031, .121, .151, 167.231, RSMo

Adopted: June 26, 2014

Revised:

The Park Hill Board of Education may place issues on the ballot as needed or as required by law.

Certification of Ballot Language

The Board will approve ballot language before any ballot issue is submitted to the election authority for inclusion on the ballot. The ~~Superintendents~~superintendent is authorized to have ballot language drafted or reviewed by an attorney prior to Board approval. In accordance with law, the ~~Superintendents~~superintendent or designee will notify the election authority of the ballot issue and provide the language for the ballot no later than 5:00 p.m. on the tenth Tuesday prior to the election. The ~~Superintendents~~superintendent or designee may send the required notices by facsimile transmission as long as the election authority receives the original copy of the notice within three business days of the facsimile.

If there will be no additional cost for printing or reprinting the ballots, or if the Board agrees to pay any costs incurred, the Board may seek a court order to add an issue to or remove an issue from the ballot, as long as the ~~certification~~notification occurs no later than 5:00 p.m. on the ~~sixth~~eighth Tuesday before the election.

Accepting Election Results

The Board will be presented with official election results at the next regular meeting scheduled after the district receives the results. The Board will accept the results or, alternatively, decide whether to take action to challenge the results.

~~**Restriction on Use of Funds**~~

~~In accordance with Board policy and law, no contribution or expenditure of public funds will be made directly by any Board member, employee or agent of the district to advocate, support or oppose any ballot measure or candidate for public office. To the extent allowed by law, Board members or the Superintendent or designee may adopt~~

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~~resolutions, make public appearances or issue press releases concerning candidates or ballot measures.~~

Types of Ballot Issues Submitted by the District

Bond Issues

When the Board deems it necessary to raise capital funds, the Board may vote to submit a bond issue to the voters. All bond issues must be in furtherance of the district's facility plan and should only be submitted after careful study of the district's needs and after consultation with members of the public and the professionals necessary to accurately determine the cost and feasibility of the project. A bond issue passes with a four-sevenths vote at the general municipal election (April), primary election (August of even-numbered years) or a general election (November of even-numbered years). A two-thirds majority is required for all other elections. Following approval by the voters, the disposition of the bonded indebtedness will be in accordance with law.

Levy Issues

By law the Board may set a tax rate of \$2.75 on the hundred-dollar assessed valuation without an election. The Board may vote to submit a levy issue to the voters when the Board deems it necessary to levy taxes in excess of that amount. In addition, the Board must submit a proposition to the voters as to whether the rate of taxation shall be increased by the Board if the Board receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for the member of the School Board receiving the greatest number of votes cast at the last school election in which Board members were elected. Levy issues pass with a majority vote if the proposed levy is under \$6.00. A proposed levy in excess of \$6.00 requires a two-thirds vote to pass.

Waiver of Proposition C Rollback

By law the Board must reduce the total operating levy of the district to decrease the revenue the district would receive by an amount equal to 50 percent of the previous fiscal year's state sales tax receipts, with some exceptions. The Board may submit an issue to the voters to forgo all or part of this reduction when the Board deems it necessary to increase the revenue received by the district. This issue passes with a majority vote.

Transportation of Students Living Less than One Mile from School

If the district wishes to transport students living less than one mile from school and if an increase in the tax levy of the district is required to provide transportation, the Board shall submit the issue at an election. This issue passes with a two-thirds majority.

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Boundary Change

The Board must submit a proposition to change the boundary of the school district if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last annual school election in the district. A petition meeting this criteria must be submitted to the school boards of all districts affected by the proposed boundary change. Once the Board has received a petition meeting this criteria, the question will be submitted at the next election, except as allowed by law. If a board of arbitration appointed by the State Board of Education has previously rejected a boundary change, a petition to change the same or substantially same boundary cannot be filed with the district until the expiration of two years from the date of the election at which the previous boundary change was submitted to the voters of the district.

The boundary will be immediately changed if a majority of those voting in all districts affected vote for the boundary change. If the voters in one of the districts approve the change and voters in another do not, any of the districts affected or a majority of the signers of the petition may appeal in writing to the State Board of Education within 15 calendar days of the election. The State Board will appoint a board of arbitration to settle the matter.

The board of arbitration will base its decision on the following factors:

1. The presence of school-age children in the affected area.
2. The presence of actual educational harm to school-age children, either due to a significant difference in the time involved in transporting students or educational deficiencies in the district that would have its boundary adversely affected.
3. The presence of an educational necessity, not of a commercial benefit to landowners or to the district benefiting from the proposed boundary adjustment.

Consolidation

The Board, by a majority vote, may call for an election on a proposal to consolidate with one or more adjacent districts. The issue will be put on the ballot if the school board(s) of the district(s) with which the Board seeks to consolidate likewise vote(s) to put the issue on the ballot.

The Board must submit a proposition to consolidate the district with one or more adjacent districts if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for school board members in the last election in which board members were elected, or 100 voters, whichever is the higher number. A petition meeting this criteria must be submitted to the school boards of all districts involved in the

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consolidation. Once the Board has received a petition meeting this criteria, the question will be submitted at the next election.

A plat of the proposed new district will be published and posted with the notices of election. The results of the election will be certified to the state commissioner of education by the board secretary of each district or by the election authority charged with conducting the elections. If the measure passes with a majority vote in each affected district, the state commissioner will declare the new district formed as of July 1 following the submission of the question.

Annexation to One or More Adjacent Districts

The Board must submit a proposition for the district to be attached to one or more adjacent districts if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last election in which Board members were elected, or a majority of the voters of the district, whichever is the lesser.

Alternatively, the Board may, by a majority vote, submit a plan to the voters of the Park Hill School District to attach the Park Hill School District to one or more adjacent districts and call for an election.

A plat of the proposed new district will be published and posted with the notices of election. If a majority of the votes cast in the election favor annexation, the Board secretary will certify the fact, with a copy of the record, to the Board and to the school boards of the districts to which annexation is proposed. If a majority of all the members of the school boards of each district the Park Hill School District seeks to be attached to vote in favor of annexation, the boundary lines of the affected districts shall be changed to include the Park Hill School District.

Expanding a Community College District to Include the School District Boundaries

If the Board receives a petition to expand the boundaries of a community college district to include the boundaries of the school district, and the petition has received a sufficient number of signatures, the Board will submit the question to voters as required by law. The petition must be signed by voters equal in number to ten percent of those voting in the last school election at which Board members were elected or must be signed by a majority of the voters of the district, whichever is the lesser.

Dissolution

The Board must submit a proposition to dissolve the district if it receives a written petition signed by voters requesting the proposition. The petition must include voter signatures numbering at least ten percent of the votes cast for School Board members in the last election in which Board members were elected or 100 voters, whichever is

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greater. The question will be submitted at a municipal election. If a majority of voters voting favor dissolution, the district will be dissolved and may be annexed to one or more other districts by the State Board of Education, in accordance with law.

Elections Not Restricted by Date

School districts do not have to wait until an official election date and may call a special election for:

1. Bond elections necessitated by fire, vandalism or natural disaster.
2. Special elections to decide tie votes or election contests.
3. Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

Park Hill School District, Platte County, MO