

SECOND REGULAR SESSION

HOUSE BILL NO. 2032

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTMAN.

5728H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 167.121, RSMo, and to enact in lieu thereof two new sections relating to travel hardships of public school pupils.

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

Section A. Section 167.121, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 167.121 and 167.125, to read as follows:

167.121. 1. If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, the commissioner of education or his **or her** designee may assign the pupil to another district, **except as provided in section 167.125**. Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. **Any assignment granted to a pupil under this section before August 28, 2018, shall remain in effect until the pupil completes his or her course of study in the receiving district or until the parent or guardian withdraws the pupil from the assignment. Any assignment granted to a pupil under this section before August 28, 2018, shall also be applicable to any sibling of the pupil and shall remain in effect until the sibling completes his or her course of study in the receiving district or until the parent or guardian withdraws the sibling from the assignment.** The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual

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.

18 performance reports may enroll the parent's or guardian's child in the Missouri virtual school
19 created in section 161.670 provided the pupil first enrolls in the school district of residence. The
20 school district of residence shall include the pupil's enrollment in the virtual school created in
21 section 161.670 in determining the district's average daily attendance. Full-time enrollment in
22 the virtual school shall constitute one average daily attendance equivalent in the school district
23 of residence. Average daily attendance for part-time enrollment in the virtual school shall be
24 calculated as a percentage of the total number of virtual courses enrolled in divided by the
25 number of courses required for full-time attendance in the school district of residence.

26 (2) A pupil's residence, for purposes of this section, means residency established under
27 section 167.020. Except for ~~students~~ **pupils** residing in a K-8 district attending high school in
28 a district under section 167.131, the board of the home district shall pay to the virtual school the
29 amount required under section 161.670.

30 (3) Nothing in this section shall require any school district or the state to provide
31 computers, equipment, internet or other access, supplies, materials or funding, except as provided
32 in this section, as may be deemed necessary for a pupil to participate in the virtual school created
33 in section 161.670.

34 (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
35 under the authority delegated in this section shall become effective only if it complies with and
36 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
37 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
38 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
39 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
40 proposed or adopted after August 28, 2007, shall be invalid and void.

**167.125. 1. For any pupil residing in any school district in the state, the
2 commissioner of education or his or her designee shall, upon proper application by the
3 parent or guardian of the pupil, assign the pupil and any sibling of the pupil to another
4 school district if the pupil is eligible as described under subsection 2 of this section and the
5 following conditions are met:**

6 **(1) The actual driving distance from the pupil's residence to the attendance center
7 in the district of residence is fifteen miles or more by the shortest route available as
8 determined by the commissioner or his or her designee;**

9 **(2) The attendance center to which the pupil would be assigned in the receiving
10 district is at least five miles closer in actual driving distance by the shortest route available
11 to the pupil's residence than the current attendance center in the district of residence as
12 determined by the commissioner or his or her designee; and**

13 (3) The attendance of the pupil will not cause the classroom in the receiving district
14 to exceed the number of pupils per class as determined by the receiving district.

15 2. (1) For pupils applying to the commissioner of education under this section, the
16 commissioner or his or her designee shall assign pupils in the order in which applications
17 are received, so long as the applications are properly completed and the conditions of
18 subsection 1 of this section are met.

19 (2) Once granted, the hardship assignment shall continue until the pupil, and any
20 sibling of the pupil who attends the same attendance center, completes his or her course
21 of study in the receiving district or the parent or guardian withdraws the pupil. If a parent
22 or guardian withdraws a pupil from a hardship assignment, the granting of a subsequent
23 application is discretionary.

24 (3) A pupil shall be eligible to apply to the commissioner of education to be assigned
25 to another district under this section if the pupil has been enrolled in and attending a
26 public school in his or her district of residence during the school year prior to the
27 application. Any pupil shall be eligible to apply to the commissioner of education to be
28 assigned to another district under this section if the pupil has been enrolled in and
29 attending a public school in a district other than his or her district of residence and paid
30 nonresident tuition for such enrollment during the school year prior to the application.
31 Pupils who reside in the district who become eligible for kindergarten or first grade shall
32 also be eligible to apply to the commissioner of education to be assigned to another district.

33 (4) A pupil who is not currently enrolled in a public school district shall become
34 eligible to apply to the commissioner of education to be assigned to another district after
35 the pupil has enrolled in and completed a full school year in a public school in his or her
36 district of residence.

37 3. The board of education of the district in which the pupil resides shall pay the
38 tuition of the pupil assigned. The tuition amount shall not exceed the pro rata cost of
39 instruction.

✓