

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 242
96TH GENERAL ASSEMBLY

Reported from the Committee on General Laws, March 10, 2011, with recommendation that the Senate Committee Substitute do pass.

1307S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to school enrollment.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new
2 section, to be known as section 167.125, to read as follows:

167.125. 1. If the residence of a pupil is so located that
2 attendance in an adjoining school district is closer by travel time or
3 distance than the pupil's assigned school in his or her school district
4 of residence, the pupil may enroll in the adjoining district upon
5 approval of the adjoining district's school board. If the residence of a
6 pupil is so located that attendance in the district of residence
7 constitutes an unusual or unreasonable transportation hardship caused
8 by natural barrier, unsafe barrier or transportation impediment, the
9 pupil may enroll in an adjoining school district upon approval of the
10 adjoining district's school board. For purposes of this section, the
11 following terms shall mean:

12 (1) "Distance", measured by travel on roads by motor vehicle;

13 (2) "Natural barrier", an obstruction to school bus routes, for
14 students who are required by law to be transported or students who are
15 transported as a result of school district practice or policy, caused by
16 streams, rivers, lakes, and multilane highways with limited access.

17 2. The parent or guardian of a pupil shall send initial
18 notification to the receiving district by March fifteenth of the
19 preceding school year that the parent or guardian intends to enroll the
20 pupil in the district. Initial notification shall be on forms prescribed

21 by the department of elementary and secondary education. The
22 receiving district shall notify the parent or guardian within fifteen
23 business days whether it will accept the pupil.

24 3. After March fifteenth of the preceding school year and until
25 May fifteenth of that calendar year, the parent or guardian requesting
26 transfer shall send notification to the district of residence and the
27 receiving district, on forms prescribed by the department of elementary
28 and secondary education, that good cause, as defined in subsection 4 of
29 this section, exists for failure to meet the deadline. The board of the
30 receiving district shall take action to approve the request if good cause
31 exists and the requirements of subsection 1 of this section are satisfied.

32 4. If a parent or guardian fails to file the initial notification
33 forms by the deadline specified in subsection 2 of this section and
34 satisfies the definition of good cause as defined in this subsection, the
35 parent or guardian shall be permitted to enroll the child in the other
36 district in the same manner as if the deadline had been met, provided
37 the requirements of subsection 1 of this section are also
38 satisfied. "Good cause" shall mean a change in a child's residence due
39 to a change in family residence, a change in a child's parents' marital
40 status, a guardianship or custody change, placement in foster care,
41 adoption, participation in a substance abuse or mental health
42 treatment program, or student health or safety concerns. Student
43 health or safety concerns shall include, but not be limited to ongoing
44 bullying, supported by official school reports, sexual misconduct
45 complaints, reports, or investigations, and drug or alcohol concerns
46 with peers. If the district does not agree with the parent's or child's
47 concerns, a written notice of need for relocation from a medical or
48 mental health professional shall suffice to satisfy "good cause" under
49 this subsection.

50 5. For each pupil who enrolls in another school district under
51 this section, the receiving district and the sending district shall
52 calculate their rates of tuition, which shall be equal to the per pupil
53 cost of maintaining the district's grade level grouping. The cost of
54 maintaining a grade level grouping shall be determined by the board
55 of education of the district but in no case shall it exceed all amounts
56 spent for teachers' wages, incidental purposes, debt service,
57 maintenance and replacements. The term "debt service", as used in this

58 section, means expenditures for the retirement of bonded indebtedness
59 and expenditures for interest on bonded indebtedness. Per pupil cost
60 of the grade level grouping shall be determined by dividing the cost of
61 maintaining the grade level grouping by the average daily pupil
62 attendance. For each pupil who enrolls in another school district
63 under this section, the pupil shall be counted in the average daily
64 attendance of the sending district for purposes of state and federal aid,
65 and the sending district shall pay to the receiving district the cost of
66 the receiving district's tuition, as such is calculated pursuant to this
67 subsection, provided that the receiving district's tuition rate is less
68 than or equal to the sending district's tuition rate. If the receiving
69 district's tuition rate is greater than the sending district's tuition rate,
70 the sending district shall pay to the receiving district an amount equal
71 to the sending district's tuition rate, and the pupil's parent or guardian
72 shall pay to the receiving district the difference between the two
73 districts' tuition rates. If there is disagreement as to the amount of
74 tuition to be paid, the facts shall be submitted to the state board of
75 education, and its decision in the matter shall be final. The district of
76 residence shall also pay to the receiving district all other aid
77 attributable to such pupils, including any other federal, state, or local
78 aid that the district receives on account of such child. If the parent
79 enrolls his or her child in a school district with a higher operating levy
80 for school purposes than the school district of residence, the parent
81 shall also pay the receiving district the product of the difference
82 between the districts' operating levies for school purposes and the
83 assessed valuation of the real property owned by the parent. If the
84 parent does not own any real property, the calculation shall be done
85 using the assessed valuation of the residence in which the parent
86 resides, or if a multi-unit dwelling, the portion of the dwelling
87 attributable to the parent.

88 6. The school district of residence shall make tuition payments
89 to the receiving district twice annually for a child enrolling in an
90 adjoining district under this section. The first payment shall be made
91 at the start of the school year and the second payment shall be made
92 approximately halfway through the school year. If a timely payment is
93 not made, the receiving district shall be entitled to a late charge of two
94 and one-half percent every two weeks on the amount overdue. When a

95 payment is more than three months past due, the department of
96 elementary and secondary education, upon notice from the receiving
97 district, shall withhold the total tuition amount, including federal,
98 state, and local funds, and interest, from the school district of
99 residence's state school aid and send payment in full to the receiving
100 district.

101 7. If, after enrolling his or her child in the receiving district, the
102 parent or guardian is dissatisfied, he or she may return his or her child
103 to the school district of residence upon notification to both the
104 receiving district and the school district of residence. However, the
105 parent or guardian shall not be able to reenroll his or her child in the
106 receiving district at a later time. If the pupil's residence is so located
107 such that the pupil may enroll in another adjoining school district, the
108 parent or guardian may enroll the pupil in that district by following
109 the procedures identified in this section.

110 8. Notwithstanding sections 167.131 and 167.241, the parent or
111 guardian shall be responsible for transporting the pupil to school under
112 this section without reimbursement. A school district may provide
113 transportation for a pupil to and from a point on an existing school bus
114 route provided that the parent or guardian transports the pupil to and
115 from such point. Nothing in this subsection shall be construed to
116 prohibit a school district from voluntarily providing such
117 transportation.

118 9. The parent or guardian of a pupil who is denied enrollment by
119 an adjoining school district may appeal such denial to the state board
120 of education if the following conditions have been satisfied:

121 (1) The pupil establishes that the qualifications for transfer, as
122 identified in subsection 1 of this section, are satisfied; and

123 (2) The receiving district has available space and the district's
124 teacher-pupil ratio in the appropriate grade or placement level for the
125 pupil, is not below the "desirable" teacher-pupil ratio identified in the
126 resource standards under the Missouri school improvement program.
127 The state board of education shall assign the pupil to the adjoining
128 school district if it finds that the district improperly denied enrollment
129 to the pupil.

130 10. For any appeal by a parent or guardian from a denial of
131 enrollment, the state board of education may charge an administrative

132 **fee, not to exceed five hundred dollars, to either the school district of**
133 **residence or the adjoining school district to which the pupil has sought**
134 **enrollment.**

135 **11. A pupil's residence, for purposes of this section, means that**
136 **a person both physically resides within a school district and is**
137 **domiciled within that district. The domicile of a minor child shall be**
138 **the domicile of a parent, military guardian appointed pursuant to a**
139 **military-issued guardianship or court-appointed legal guardian.**

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Bill

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