

FIRST REGULAR SESSION

SENATE BILL NO. 242

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 9, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1307S.021

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
8 because of natural barrier, unsafe barrier or transportation
9 impediment, including but not limited to lake, river, lagoon, or the
10 crossing of multi-lane highways, the pupil may enroll in an adjoining
11 school district upon approval of the adjoining district's school
12 board. For purposes of this section, "distance" shall be measured by
13 travel on roads by motor vehicle.

14 2. The parent or guardian of a pupil shall send initial
15 notification to the receiving district by January fifteenth of the
16 preceding school year that the parent or guardian intends to enroll the
17 pupil in the district. Initial notification shall be on forms prescribed
18 by the department of elementary and secondary education. The
19 receiving district shall notify the parent or guardian within fifteen
20 business days whether it will accept the pupil.

21 3. After January fifteenth of the preceding school year and until
22 the third Friday in July of that calendar year, the parent or guardian
23 requesting transfer shall send notification to the district of residence
24 and the receiving district, on forms prescribed by the department of
25 elementary and secondary education, that good cause, as defined in
26 subsection 4 of this section, exists for failure to meet the deadline. The
27 board of the receiving district shall take action to approve the request
28 if good cause exists. A denial of a request by the board of a receiving
29 district is not subject to appeal.

30 4. If a parent or guardian fails to file the initial notification
31 forms by the deadline specified in subsection 2 of this section and
32 satisfies the definition of good cause as defined in this subsection, the
33 parent or guardian shall be permitted to enroll the child in the other
34 district in the same manner as if the deadline had been met. "Good
35 cause" shall mean a change in a child's residence due to a change in
36 family residence, a change in a child's parents' marital status, a
37 guardianship or custody proceeding, placement in foster care, adoption,
38 participation in a substance abuse or mental health treatment program,
39 or student health or safety concerns.

40 5. For each pupil who enrolls in another school district under
41 this section, the receiving district shall calculate the per pupil cost of
42 the student's school district of residence and the receiving district and
43 provide this information to the student's parent or legal guardian and
44 the student's school district of residence. The pupil's school district of
45 residence shall pay tuition to the receiving district in an amount equal
46 to the lesser of the per pupil cost of the two school districts. The
47 district of residence shall also pay to the receiving district all other aid
48 attributable to such pupils, including any other federal or state aid that
49 the district receives on account of such child.

50 6. Payments shall be made to the receiving district from the
51 school district of residence for a child enrolling in an adjoining district
52 under this section at least twice a year. If a timely payment is not
53 made, the receiving district shall be entitled to a late charge of two and
54 one-half percent every two weeks on the amount overdue. When a
55 payment is more than three months past due, the department of
56 elementary and secondary education, upon notice from the receiving

57 district, shall withhold the amount, including interest, from the school
58 district of residence's state school aid and send payment in full to the
59 receiving district.

60 7. If, after enrolling his or her child in the receiving district, the
61 parent or guardian is dissatisfied, he or she may return his or her child
62 to the school district of residence upon notification to both the
63 receiving district and the school district of residence. However, the
64 parent or guardian shall not be able to reenroll his or her child in the
65 receiving district at a later time. If the pupil's residence is so located
66 such that the pupil may enroll in another adjoining school district, the
67 parent or guardian may enroll the pupil in that district by following
68 the procedures identified in this section.

69 8. Notwithstanding sections 167.131 and 167.241, the parent or
70 guardian shall be responsible for transporting the pupil to school under
71 this section without reimbursement. A school district may provide
72 transportation for a pupil to and from a point on an existing school bus
73 route provided that the parent or guardian transports the pupil to and
74 from such point. Nothing in this subsection shall be construed to
75 prohibit a school district from voluntarily providing such
76 transportation.

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

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

82 (2) The receiving district has available space in the appropriate
83 grade or placement level for the pupil, based on teacher-pupil ratios
84 identified in the resource standards under the Missouri school
85 improvement program.

86 The state board of education may assign the pupil to the adjoining
87 school district if it finds that the district improperly denied enrollment
88 to the pupil.

89 10. For any appeal by a parent or guardian from a denial of
90 enrollment, the state board of education may charge an administrative
91 fee, not to exceed five hundred dollars, to either the school district of
92 residence or the adjoining school district to which the pupil has sought

93 enrollment.

94 11. A pupil's residence, for purposes of this section, means
95 residency established under section 167.020.

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