

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 369 & 370

## 96TH GENERAL ASSEMBLY

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Reported from the Committee on General Laws, March 30, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0349S.09C

### AN ACT

To repeal sections 160.400, 160.410, 160.415, 160.420, 163.036, 167.131, 167.151, 167.241, 171.171, and 177.011, RSMo, and to enact in lieu thereof twelve new sections relating to school enrollment, with a contingent effective date.

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

Section A. Sections 160.400, 160.410, 160.415, 160.420, 163.036, 167.131, 167.151, 167.241, 171.171, and 177.011, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 160.400, 160.410, 160.415, 160.420, 163.036, 167.131, 167.151, 167.241, 171.171, 177.011, 177.015, and 1, to read as follows:

160.400. 1. A charter school is an independent public school.

2. Charter schools may be operated [only] in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants [and]. **Charter schools may also be operated in any school district classified as unaccredited by the state board of education or in any accredited school district located in the same county or in an adjoining county to a school district that has been classified as unaccredited by the state board of education. Any charter school that begins operation in a school district classified as unaccredited by the state board of education or in an accredited school district located in the same county or in an adjoining county to a school district classified as unaccredited by the state board of education may continue to operate if the unaccredited district becomes classified as accredited or provisionally accredited. Charter schools** may be sponsored by any of the following:

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 (1) The school board of the district **or by the school board of the**  
17 **district in collaboration with the school board of one or more**  
18 **accredited school districts;**

19 (2) A public four-year college or university with its primary campus in the  
20 school district or in a county adjacent to the county in which the district is  
21 located, with an approved teacher education program that meets regional or  
22 national standards of accreditation;

23 (3) A community college located in the district; [or]

24 (4) Any private four-year college or university located in a city not within  
25 a county with an enrollment of at least one thousand students, and with an  
26 approved teacher preparation program;

27 **(5) The state board of education in a district classified as**  
28 **unaccredited by the state board of education;**

29 **(6) The mayor of a city not within a county in a district classified**  
30 **as unaccredited by the state board of education; or**

31 **(7) The school board of an accredited school district, or multiple**  
32 **school boards of accredited school districts in collaboration, in a**  
33 **district classified as unaccredited by the state board of education.**

34 3. The mayor of a city not within a county may request a sponsor under  
35 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a  
36 "workplace charter school", which is defined for purposes of sections 160.400 to  
37 160.420 as a charter school with the ability to target prospective students whose  
38 parent or parents are employed in a business district, as defined in the charter,  
39 which is located in the city.

40 4. No sponsor shall receive from an applicant for a charter school any fee  
41 of any type for the consideration of a charter, nor may a sponsor condition its  
42 consideration of a charter on the promise of future payment of any kind.

43 5. The charter school shall be a Missouri nonprofit corporation  
44 incorporated pursuant to chapter 355. The charter provided for herein shall  
45 constitute a contract between the sponsor and the charter school.

46 6. As a nonprofit corporation incorporated pursuant to chapter 355, the  
47 charter school shall select the method for election of officers pursuant to section  
48 355.326 based on the class of corporation selected. Meetings of the governing  
49 board of the charter school shall be subject to the provisions of sections 610.010  
50 to 610.030, the open meetings law.

51 7. A sponsor of a charter school, its agents and employees are not liable  
52 for any acts or omissions of a charter school that it sponsors, including acts or  
53 omissions relating to the charter submitted by the charter school, the operation

54 of the charter school and the performance of the charter school.

55           8. A charter school may affiliate with a four-year college or university,  
56 including a private college or university, or a community college as otherwise  
57 specified in subsection 2 of this section when its charter is granted by a sponsor  
58 other than such college, university or community college. Affiliation status  
59 recognizes a relationship between the charter school and the college or university  
60 for purposes of teacher training and staff development, curriculum and  
61 assessment development, use of physical facilities owned by or rented on behalf  
62 of the college or university, and other similar purposes. The primary campus of  
63 the college or university must be located within the county in which the school  
64 district lies wherein the charter school is located or in a county adjacent to the  
65 county in which the district is located. A university, college, or community  
66 college may not charge or accept a fee for affiliation status.

67           9. The expenses associated with sponsorship of charter schools shall be  
68 defrayed by the department of elementary and secondary education retaining one  
69 and five-tenths percent of the amount of state and local funding allocated to the  
70 charter school under section 160.415, not to exceed one hundred twenty-five  
71 thousand dollars, adjusted for inflation. Such amount shall not be withheld when  
72 the sponsor is a school district or the state board of education. The department  
73 of elementary and secondary education shall remit the retained funds for each  
74 charter school to the school's sponsor, provided the sponsor remains in good  
75 standing by fulfilling its sponsorship obligations under sections 160.400 to  
76 160.420 and 167.349 with regard to each charter school it sponsors, including  
77 appropriate demonstration of the following:

78           (1) Expends no less than ninety percent of its charter school sponsorship  
79 funds in support of its charter school sponsorship program, or as a direct  
80 investment in the sponsored schools;

81           (2) Maintains a comprehensive application process that follows fair  
82 procedures and rigorous criteria and grants charters only to those developers who  
83 demonstrate strong capacity for establishing and operating a quality charter  
84 school;

85           (3) Negotiates contracts with charter schools that clearly articulate the  
86 rights and responsibilities of each party regarding school autonomy, expected  
87 outcomes, measures for evaluating success or failure, performance consequences,  
88 and other material terms;

89           (4) Conducts contract oversight that evaluates performance, monitors  
90 compliance, informs intervention and renewal decisions, and ensures autonomy  
91 provided under applicable law; and

92 (5) Designs and implements a transparent and rigorous process that uses  
93 comprehensive data to make merit-based renewal decisions.

94 10. No university, college, or community college shall grant a charter to  
95 a nonprofit corporation if an employee of the university, college, or community  
96 college is a member of the corporation's board of directors.

97 11. No sponsor shall grant a charter under sections 160.400 to 160.420  
98 and 167.349 without ensuring that a criminal background check and child abuse  
99 registry check are conducted for all members of the governing board of the charter  
100 schools or the incorporators of the charter school if initial directors are not named  
101 in the articles of incorporation, nor shall a sponsor renew a charter without  
102 ensuring a criminal background check and child abuse registry check are  
103 conducted for each member of the governing board of the charter school.

104 12. No member of the governing board of a charter school shall hold any  
105 office or employment from the board or the charter school while serving as a  
106 member, nor shall the member have any substantial interest, as defined in  
107 section 105.450, in any entity employed by or contracting with the board. No  
108 board member shall be an employee of a company that provides substantial  
109 services to the charter school. All members of the governing board of the charter  
110 school shall be considered decision-making public servants as defined in section  
111 105.450 for the purposes of the financial disclosure requirements contained in  
112 sections 105.483, 105.485, 105.487, and 105.489.

113 13. A sponsor shall provide timely submission to the state board of  
114 education of all data necessary to demonstrate that the sponsor is in material  
115 compliance with all requirements of sections 160.400 to 160.420 and 167.349.

116 14. The state board of education shall ensure each sponsor is in  
117 compliance with all requirements under sections 160.400 to 160.420 and 167.349  
118 for each charter school sponsored by any sponsor. The state board shall notify  
119 each sponsor of the standards for sponsorship of charter schools, delineating both  
120 what is mandated by statute and what best practices dictate. The state board,  
121 after a public hearing, may require remedial action for a sponsor that it finds has  
122 not fulfilled its obligations of sponsorship, such remedial actions including  
123 withholding the sponsor's funding and suspending for a period of up to one year  
124 the sponsor's authority to sponsor a school that it currently sponsors or to sponsor  
125 any additional school. If the state board removes the authority to sponsor a  
126 currently operating charter school, the state board shall become the interim  
127 sponsor of the school for a period of up to three years until the school finds a new  
128 sponsor or until the charter contract period lapses.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban  
4 voluntary transfer program; [and]

5 (3) In the case of a workplace charter school, any student eligible to  
6 attend under subdivision (1) or (2) of this subsection whose parent is employed  
7 in the business district, who submits a timely application, unless the number of  
8 applications exceeds the capacity of a program, class, grade level, or  
9 building. The configuration of a business district shall be set forth in the charter  
10 and shall not be construed to create an undue advantage for a single employer or  
11 small number of employers;

12 **(4) Nonresident pupils who reside in a district classified as**  
13 **unaccredited by the state board of education and who are eligible to**  
14 **attend a school in a district classified as accredited, without provision,**  
15 **by the state board of education in the same or an adjoining county**  
16 **under subsections 3 to 20 of section 167.131;**

17 **(5) Nonresident pupils who reside in a district classified as**  
18 **unaccredited by the state board of education who receive a scholarship**  
19 **under subsections 3 to 20 of section 167.131.**

20 2. If capacity is insufficient to enroll all pupils who submit a timely  
21 application, the charter school shall have an admissions process that assures all  
22 applicants of an equal chance of gaining admission except that:

23 (1) A charter school may establish a geographical area around the school  
24 whose residents will receive a preference for enrolling in the school, provided that  
25 such preferences do not result in the establishment of racially or  
26 socioeconomically isolated schools and provided such preferences conform to  
27 policies and guidelines established by the state board of education; and

28 (2) A charter school may also give a preference for admission of children  
29 whose siblings attend the school or whose parents are employed at the school or  
30 in the case of a workplace charter school, a child whose parent is employed in the  
31 business district or at the business site of such school.

32 3. A charter school shall not limit admission based on race, ethnicity,  
33 national origin, disability, gender, income level, proficiency in the English  
34 language or athletic ability, but may limit admission to pupils within a given age  
35 group or grade level.

36 4. The department of elementary and secondary education shall  
37 commission a study of the performance of students at each charter school in  
38 comparison with an equivalent group of district students representing an  
39 equivalent demographic and geographic population and a study of the impact of

40 charter schools upon the constituents they serve in the districts in which they are  
41 located, to be conducted by the joint committee on education. The charter school  
42 study shall include analysis of the administrative and instructional practices of  
43 each charter school and shall include findings on innovative programs that  
44 illustrate best practices and lend themselves to replication or incorporation in  
45 other schools. The joint committee on education shall coordinate with individuals  
46 representing charter public schools and the districts in which charter schools are  
47 located in conducting the study. The study of a charter school's student  
48 performance in relation to a comparable group shall be designed to provide  
49 information that would allow parents and educators to make valid comparisons  
50 of academic performance between the charter school's students and an equivalent  
51 group of district students representing an equivalent demographic and geographic  
52 population. The student performance assessment and comparison shall include,  
53 but may not be limited to:

54 (1) Missouri assessment program test performance and aggregate growth  
55 over several years;

56 (2) Student reenrollment rates;

57 (3) Educator, parent, and student satisfaction data;

58 (4) Graduation rates in secondary programs; and

59 (5) Performance of students enrolled in the same public school for three  
60 or more consecutive years. The impact study shall be undertaken every two years  
61 to determine the impact of charter schools on the constituents they serve in the  
62 districts where charter schools are operated. The impact study shall include, but  
63 is not limited to, determining if changes have been made in district policy or  
64 procedures attributable to the charter school and to perceived changes in  
65 attitudes and expectations on the part of district personnel, school board  
66 members, parents, students, the business community and other education  
67 stakeholders. The department of elementary and secondary education shall make  
68 the results of the studies public and shall deliver copies to the governing boards  
69 of the charter schools, the sponsors of the charter schools, the school board and  
70 superintendent of the districts in which the charter schools are operated.

71 5. A charter school shall make available for public inspection, and provide  
72 upon request, to the parent, guardian, or other custodian of any school-age pupil  
73 resident in the district in which the school is located the following information:

74 (1) The school's charter;

75 (2) The school's most recent annual report card published according to  
76 section 160.522; and

77 (3) The results of background checks on the charter school's board

78 members. The charter school may charge reasonable fees, not to exceed the rate  
79 specified in section 610.026 for furnishing copies of documents under this  
80 subsection.

160.415. 1. For the purposes of calculation and distribution of state  
2 school aid under section 163.031, pupils enrolled in a charter school shall be  
3 included in the pupil enrollment of the school district within which each pupil  
4 resides. Each charter school shall report the names, addresses, and eligibility for  
5 free and reduced lunch, special education, or limited English proficiency status,  
6 as well as eligibility for categorical aid, of pupils resident in a school district who  
7 are enrolled in the charter school to the school district in which those pupils  
8 reside. The charter school shall report the average daily attendance data, free  
9 and reduced lunch count, special education pupil count, and limited English  
10 proficiency pupil count to the state department of elementary and secondary  
11 education. Each charter school shall promptly notify the state department of  
12 elementary and secondary education and the pupil's school district when a  
13 student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid  
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a  
17 charter school shall pay to the charter school an annual amount equal to the  
18 product of the charter school's weighted average daily attendance and the state  
19 adequacy target, multiplied by the dollar value modifier for the district, plus local  
20 tax revenues per weighted average daily attendance from the incidental and  
21 teachers' funds in excess of the performance levy as defined in section 163.011  
22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also  
24 pay to the charter school any other federal or state aid that the district receives  
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the  
27 charter school, such overpayment or underpayment shall be repaid by the public  
28 charter school or credited to the public charter school in twelve equal payments  
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated  
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection  
33 as the disbursement agent and no later than twenty days following the receipt of any  
34 such funds. The department of elementary and secondary education shall pay the  
35 amounts due when it acts as the disbursement agent within five days of the required

36 due date.

37           3. A workplace charter school shall receive payment for each eligible pupil  
38 as provided under subsection 2 of this section, except that if the student is not a  
39 resident of the district and is participating in a voluntary interdistrict transfer  
40 program, the payment for such pupils shall be the same as provided under section  
41 162.1060.

42           4. A charter school that has declared itself as a local educational agency  
43 shall receive from the department of elementary and secondary education an  
44 annual amount equal to the product of the charter school's weighted average daily  
45 attendance and the state adequacy target, multiplied by the dollar value modifier  
46 for the district, plus local tax revenues per weighted average daily attendance  
47 from the incidental and teachers funds in excess of the performance levy as  
48 defined in section 163.011 plus all other state aid attributable to such pupils. If  
49 a charter school declares itself as a local education agency, the department of  
50 elementary and secondary education shall, upon notice of the declaration, reduce  
51 the payment made to the school district by the amount specified in this  
52 subsection and pay directly to the charter school the annual amount reduced from  
53 the school district's payment.

54           5. If a school district fails to make timely payments of any amount for  
55 which it is the disbursal agent, the state department of elementary and secondary  
56 education shall authorize payment to the charter school of the amount due  
57 pursuant to subsection 2 of this section and shall deduct the same amount from  
58 the next state school aid apportionment to the owing school district. If a charter  
59 school is paid more or less than the amounts due pursuant to this section, the  
60 amount of overpayment or underpayment shall be adjusted equally in the next  
61 twelve payments by the school district or the department of elementary and  
62 secondary education, as appropriate. Any dispute between the school district and  
63 a charter school as to the amount owing to the charter school shall be resolved by  
64 the department of elementary and secondary education, and the department's  
65 decision shall be the final administrative action for the purposes of review  
66 pursuant to chapter 536. During the period of dispute, the department of  
67 elementary and secondary education shall make every administrative and  
68 statutory effort to allow the continued education of children in their current  
69 public charter school setting.

70           6. The charter school and a local school board may agree by contract for  
71 services to be provided by the school district to the charter school. The charter  
72 school may contract with any other entity for services. Such services may include  
73 but are not limited to food service, custodial service, maintenance, management



74 assistance, curriculum assistance, media services and libraries and shall be  
75 subject to negotiation between the charter school and the local school board or  
76 other entity. Documented actual costs of such services shall be paid for by the  
77 charter school.

78         7. A charter school may enter into contracts with community partnerships  
79 and state agencies acting in collaboration with such partnerships that provide  
80 services to children and their families linked to the school.

81         8. A charter school shall be eligible for transportation state aid pursuant  
82 to section 163.161 and shall be free to contract with the local district, or any  
83 other entity, for the provision of transportation to the students of the charter  
84 school.

85         9. (1) The proportionate share of state and federal resources generated  
86 by students with disabilities or staff serving them shall be paid in full to charter  
87 schools enrolling those students by their school district where such enrollment is  
88 through a contract for services described in this section. The proportionate share  
89 of money generated under other federal or state categorical aid programs shall  
90 be directed to charter schools serving such students eligible for that aid.

91         (2) A charter school district shall provide the special services provided  
92 pursuant to section 162.705 and may provide the special services pursuant to a  
93 contract with a school district or any provider of such services.

94         10. A charter school may [not] charge tuition, [nor] **but it may [it] not**  
95 impose fees that a school district is prohibited from imposing. **A charter school**  
96 **that enrolls pupils who are nonresidents of the school district in which**  
97 **the charter school is located and residents of a district classified as**  
98 **unaccredited by the state board of education pursuant to subsections**  
99 **3 to 20 of section 167.131 may receive tuition payments from the**  
100 **unaccredited district as provided in subsections 3 to 20 of section**  
101 **167.131. A charter school may also accept a scholarship for a pupil**  
102 **transferring under subsections 3 to 20 of section 167.131.**

103         11. A charter school is authorized to incur debt in anticipation of receipt  
104 of funds. A charter school may also borrow to finance facilities and other capital  
105 items. A school district may incur bonded indebtedness or take other measures  
106 to provide for physical facilities and other capital items for charter schools that  
107 it sponsors or contracts with. Upon the dissolution of a charter school, any  
108 liabilities of the corporation will be satisfied through the procedures of chapter  
109 355.

110         12. Charter schools shall not have the power to acquire property by  
111 eminent domain.

112           13. The governing body of a charter school is authorized to accept grants,  
113 gifts, or donations of any kind and to expend or use such grants, gifts, or  
114 donations. A grant, gift, or donation may not be accepted by the governing body  
115 if it is subject to any condition contrary to law applicable to the charter school or  
116 other public schools, or contrary to the terms of the charter.

          160.420. 1. Any school district in which charter schools may be  
2 established under sections 160.400 to 160.420 shall establish a uniform policy  
3 which provides that if a charter school offers to retain the services of an employee  
4 of a school district, and the employee accepts a position at the charter school, an  
5 employee at the employee's option may remain an employee of the district and the  
6 charter school shall pay to the district the district's full costs of salary and  
7 benefits provided to the employee. The district's policy shall provide that any  
8 teacher who accepts a position at a charter school and opts to remain an employee  
9 of the district retains such teacher's permanent teacher status and retains such  
10 teacher's seniority rights in the district for three years. The school district shall  
11 not be liable for any such employee's acts while an employee of the charter school.

          2. A charter school may employ noncertificated instructional personnel;  
13 provided that no more than twenty percent of the full-time equivalent  
14 instructional staff positions at the school are filled by noncertificated personnel.  
15 All noncertificated instructional personnel shall be supervised by certificated  
16 instructional personnel. A charter school that has a foreign language immersion  
17 experience as its chief educational mission, as stated in its charter, shall not be  
18 subject to the twenty-percent requirement of this subsection but shall ensure that  
19 any teachers whose duties include instruction given in a foreign language have  
20 current valid credentials in the country in which such teacher received his or her  
21 training and shall remain subject to the remaining requirements of this  
22 subsection. The charter school shall ensure that all instructional employees of  
23 the charter school have experience, training and skills appropriate to the  
24 instructional duties of the employee, and the charter school shall ensure that a  
25 criminal background check and child abuse registry check are conducted for each  
26 employee of the charter school prior to the hiring of the employee. The charter  
27 school may not employ instructional personnel whose certificate of license to  
28 teach has been revoked or is currently suspended by the state board of  
29 education. Appropriate experience, training and skills of noncertificated  
30 instructional personnel shall be determined considering:

- 31           (1) Teaching certificates issued by another state or states;
- 32           (2) Certification by the National Standards Board;
- 33           (3) College degrees in the appropriate field;

34 (4) Evidence of technical training and competence when such is  
35 appropriate; and

36 (5) The level of supervision and coordination with certificated  
37 instructional staff.

38 3. Personnel employed by the charter school shall participate in the  
39 retirement system of the school district in which the charter school is located,  
40 subject to the same terms, conditions, requirements and other provisions  
41 applicable to personnel employed by the school district. For purposes of  
42 participating in the retirement system, the charter school shall be considered to  
43 be a public school within the school district, and personnel employed by the  
44 charter school shall be public school employees. In the event of a lapse of the  
45 school district's corporate organization as described in subsections 1 and 4 of  
46 section 162.081, personnel employed by the charter school shall continue to  
47 participate in the retirement system and shall do so on the same terms,  
48 conditions, requirements and other provisions as they participated prior to the  
49 lapse.

50 4. The charter school and a local school board may agree by contract for  
51 services to be provided by the school district to the charter school. The charter  
52 school may contract with any other entity for services. Such services may include  
53 but are not limited to food service, custodial service, maintenance, management  
54 assistance, curriculum assistance, media services and libraries and shall be  
55 subject to negotiation between the charter school and the local school board or  
56 other entity. Documented actual costs of such services shall be paid for by the  
57 charter school.

58 5. A charter school may enter into contracts with community partnerships  
59 and state agencies acting in collaboration with such partnerships that provide  
60 services to children and their families linked to the school.

61 6. A charter school shall be eligible for transportation state aid pursuant  
62 to section 163.161 and shall be free to contract with the local district, or any  
63 other entity, for the provision of transportation to the students of the charter  
64 school.

65 7. (1) The proportionate share of state and federal resources generated  
66 by students with disabilities or staff serving them shall be paid in full to charter  
67 schools enrolling those students by their school district where such enrollment is  
68 through a contract for services described in this section. The proportionate share  
69 of money generated under other federal or state categorical aid programs shall  
70 be directed to charter schools serving such students eligible for that aid.

71 (2) A charter school district shall provide the special services provided

72 pursuant to section 162.705 and may provide the special services pursuant to a  
73 contract with a school district or any provider of such services.

74 8. A charter school may [not] charge tuition, [nor] **but it may [it] not**  
75 impose fees that a school district is prohibited from imposing. **A charter school**  
76 **that enrolls pupils who are nonresidents of the school district in which**  
77 **the charter school is located and residents of a district classified as**  
78 **unaccredited by the state board of education pursuant to subsections**  
79 **3 to 20 of section 167.131 may receive tuition payments from the**  
80 **unaccredited district as provided in subsections 3 to 20 of section**  
81 **167.131. A charter school may accept a scholarship for a pupil**  
82 **transferring under subsections 3 to 20 of section 167.131.**

83 9. A charter school is authorized to incur debt in anticipation of receipt  
84 of funds. A charter school may also borrow to finance facilities and other capital  
85 items. A school district may incur bonded indebtedness or take other measures  
86 to provide for physical facilities and other capital items for charter schools that  
87 it sponsors or contracts with. Upon the dissolution of a charter school, any  
88 liabilities of the corporation will be satisfied through the procedures of chapter  
89 355.

90 10. Charter schools shall not have the power to acquire property by  
91 eminent domain.

92 11. The governing body of a charter school is authorized to accept grants,  
93 gifts, or donations of any kind and to expend or use such grants, gifts, or  
94 donations. A grant, gift, or donation may not be accepted by the governing body  
95 if it is subject to any condition contrary to law applicable to the charter school or  
96 other public schools, or contrary to the terms of the charter.

163.036. 1. In computing the amount of state aid a school district is  
2 entitled to receive for the minimum school term only under section 163.031, a  
3 school district may use an estimate of the weighted average daily attendance for  
4 the current year, or the weighted average daily attendance for the immediately  
5 preceding year or the weighted average daily attendance for the second preceding  
6 school year, whichever is greater, **except that the weighted average daily**  
7 **attendance count shall be adjusted such that no school district shall**  
8 **receive state aid for any pupil who is no longer enrolled in the school**  
9 **district as the result of transferring under the provisions of subsections**  
10 **3 to 20 of section 167.131.** Beginning with the 2006-07 school year, the  
11 summer school attendance included in the average daily attendance as defined  
12 in subdivision (2) of section 163.011 shall include only the attendance hours of  
13 pupils that attend summer school in the current year. Beginning with the

14 2004-05 school year, when a district's official calendar for the current year  
15 contributes to a more than ten percent reduction in the average daily attendance  
16 for kindergarten compared to the immediately preceding year, the payment  
17 attributable to kindergarten shall include only the current year kindergarten  
18 average daily attendance. Any error made in the apportionment of state aid  
19 because of a difference between the actual weighted average daily attendance and  
20 the estimated weighted average daily attendance shall be corrected as provided  
21 in section 163.091, except that if the amount paid to a district estimating  
22 weighted average daily attendance exceeds the amount to which the district was  
23 actually entitled by more than five percent, interest at the rate of six percent  
24 shall be charged on the excess and shall be added to the amount to be deducted  
25 from the district's apportionment the next succeeding year.

26         2. Notwithstanding the provisions of subsection 1 of this section or any  
27 other provision of law, the state board of education shall make an adjustment for  
28 the immediately preceding year for any increase in the actual weighted average  
29 daily attendance above the number on which the state aid in section 163.031 was  
30 calculated. Said adjustment shall be made in the manner providing for correction  
31 of errors under subsection 1 of this section.

32         3. Any error made in the apportionment of state aid because of a  
33 difference between the actual equalized assessed valuation for the current year  
34 and the estimated equalized assessed valuation for the current year shall be  
35 corrected as provided in section 163.091, except that if the amount paid to a  
36 district estimating current equalized assessed valuation exceeds the amount to  
37 which the district was actually entitled, interest at the rate of six percent shall  
38 be charged on the excess and shall be added to the amount to be deducted from  
39 the district's apportionment the next succeeding year.

40         4. For the purposes of distribution of state school aid pursuant to section  
41 163.031, a school district with ten percent or more of its assessed valuation that  
42 is owned by one person or corporation as commercial or personal property who is  
43 delinquent in a property tax payment may elect, after receiving notice from the  
44 county clerk on or before March fifteenth that more than ten percent of its  
45 current taxes due the preceding December thirty-first by a single property owner  
46 are delinquent, to use in the local effort calculation of the state aid formula the  
47 district's equalized assessed valuation for the preceding year or the actual  
48 assessed valuation of the year for which the taxes are delinquent less the  
49 assessed valuation of property for which the current year's property tax is  
50 delinquent. To qualify for use of the actual assessed valuation of the year for  
51 which the taxes are delinquent less the assessed valuation of property for which

52 the current year's property tax is delinquent, a district must notify the  
53 department of elementary and secondary education on or before April first, except  
54 in the year enacted, of the current year amount of delinquent taxes, the assessed  
55 valuation of such property for which delinquent taxes are owed and the total  
56 assessed valuation of the district for the year in which the taxes were due but not  
57 paid. Any district giving such notice to the department of elementary and  
58 secondary education shall present verification of the accuracy of such notice  
59 obtained from the clerk of the county levying delinquent taxes. When any of the  
60 delinquent taxes identified by such notice are paid during a four-year period  
61 following the due date, the county clerk shall give notice to the district and the  
62 department of elementary and secondary education, and state aid paid to the  
63 district shall be reduced by an amount equal to the delinquent taxes received plus  
64 interest. The reduction in state aid shall occur over a period not to exceed five  
65 years and the interest rate on excess state aid not refunded shall be six percent  
66 annually.

67 5. If a district receives state aid based on equalized assessed valuation as  
68 determined by subsection 4 of this section and if prior to such notice the district  
69 was paid state aid pursuant to section 163.031, the amount of state aid paid  
70 during the year of such notice and the first year following shall equal the sum of  
71 state aid paid pursuant to section 163.031 plus the difference between the state  
72 aid amount being paid after such notice minus the amount of state aid the district  
73 would have received pursuant to section 163.031 before such notice. To be  
74 eligible to receive state aid based on this provision the district must levy during  
75 the first year following such notice at least the maximum levy permitted school  
76 districts by article X, section 11(b) of the Missouri Constitution and have a  
77 voluntary rollback of its tax rate which is no greater than one cent per one  
78 hundred dollars assessed valuation.

167.131. 1. The board of education of each district in this state that does  
2 not maintain an accredited school **for a specific range of grades** pursuant to  
3 the authority of the state board of education to classify schools as established in  
4 section 161.092 shall pay [the] tuition [of] **as calculated by the receiving**  
5 **district under subsection 2 of this section** and provide transportation  
6 consistent with the provisions of section 167.241 for each pupil resident therein  
7 who attends an accredited **public** school in another district of the same or an  
8 adjoining county.

9 2. The rate of tuition to be charged by the district attended and paid by  
10 the sending district is the per pupil cost of maintaining the district's grade level  
11 grouping which includes the school attended. The cost of maintaining a grade

12 level grouping shall be determined by the board of education of the district but  
13 in no case shall it exceed all amounts spent for teachers' wages, incidental  
14 purposes, debt service, maintenance and replacements. The term "debt service",  
15 as used in this section, means expenditures for the retirement of bonded  
16 indebtedness and expenditures for interest on bonded indebtedness. Per pupil  
17 cost of the grade level grouping shall be determined by dividing the cost of  
18 maintaining the grade level grouping by the average daily pupil attendance. If  
19 there is disagreement as to the amount of tuition to be paid, the facts shall be  
20 submitted to the state board of education, and its decision in the matter shall be  
21 final. Subject to the limitations of this section, each pupil shall be free to attend  
22 the public school of his or her choice.

23 **3. It is the intent of the General Assembly that the provisions of**  
24 **subsections 3 to 20 of this section affirm the decision of the Missouri**  
25 **supreme court in Turner v. School District of Clayton, 318 S.W.3d 660**  
26 **(2010) that each pupil have the opportunity, if such pupil so requests,**  
27 **to attend an accredited public or approved nonpublic school. The**  
28 **department of elementary and secondary education shall establish and**  
29 **implement a procedure to notify all parents residing in an unaccredited**  
30 **district that the school district has lost its accreditation. The**  
31 **department's information shall include the academic standards the**  
32 **district has failed to meet, the availability of other educational options,**  
33 **how a parent may avail himself or herself of these options, and contact**  
34 **information for the administrator, including address, telephone**  
35 **number, and website address.**

36 **4. For purposes of subsections 3 to 20 of this section, the**  
37 **following terms shall mean:**

38 **(1) "Accredited district", any school district classified as**  
39 **accredited, without provision, by the state board of education;**

40 **(2) "Administrator", the department of elementary and secondary**  
41 **education, or a neutral third party appointed by the department in its**  
42 **discretion for student transfers under this section from any**  
43 **unaccredited district to any accredited school or accredited district in**  
44 **the same or an adjoining county;**

45 **(3) "Approved nonpublic school", a nonpublic school that has a**  
46 **higher graduation rate, lower dropout rate, higher rate of student**  
47 **matriculation to higher education institutions or technical schools,**  
48 **higher average rate of ACT scores, and higher average scores on**  
49 **statewide assessments or nationally-recognized norm-referenced**

50 assessment, or on an assessment of educational functioning level for  
51 adult basic education that meets the guidelines for the national  
52 reporting system for adult education and literacy, than the  
53 unaccredited district. To accept students under subsections 3 to 20 of  
54 this section, a nonpublic school located in a metropolitan school  
55 district shall be approved by the mayor of a city not within a county,  
56 or his or her designee. In any county with a charter form of  
57 government, a nonpublic school shall be approved by the county  
58 executive or his or her designee. In any county without a charter form  
59 of government, a nonpublic school shall be approved by the presiding  
60 commissioner or his or her designee. A nonpublic school that does not  
61 receive approval but meets all of the criteria in this subdivision may  
62 appeal to the department of elementary and secondary education. If  
63 two or more of the criteria identified in this subdivision are below the  
64 average of the unaccredited district, the mayor, or his or her designee,  
65 or county executive or presiding commissioner or his or her designee,  
66 as applicable, may approve the nonpublic school on an annual basis,  
67 provided the nonpublic school is able to demonstrate  
68 improvement. This approval of a nonpublic school that does not meet  
69 all criteria shall not exceed three years. A nonpublic school shall meet  
70 the following accountability requirements prior to accepting students  
71 under subsections 3 to 20 of this section:

72 (a) Filing of a statement of intent to participate that includes the  
73 information listed in this subdivision;

74 (b) For initial applicants, a listing of the information required  
75 under this subdivision, and for requalifying schools, annual reporting  
76 of the information required under this subdivision. No public reporting  
77 of information required under this subdivision shall be personally  
78 identifiable to an individual student;

79 (c) Fiscal soundness as evidenced by three years in existence, a  
80 surety bond, or letter of credit covering the amount of funds received  
81 on behalf of transfer students under subsections 3 to 20 of this section;

82 (d) Accreditation by a regional or national accrediting agency or  
83 for a school that is not currently accredited, provisional approval  
84 pending the achievement of accreditation no later than the fourth  
85 school year of participation;

86 (e) Criminal background check for the owner or operator and all  
87 personnel with direct student contact;



88           **(f) Administration of the statewide assessments under section**  
89 **160.518, a nationally recognized norm-referenced assessment, or an**  
90 **assessment of educational functioning level for adult basic education**  
91 **that meets the guidelines for the national reporting system for adult**  
92 **education and literacy, such as but not limited to, the test for adult**  
93 **basic education, for all scholarship students except those whose**  
94 **individualized education plan specifies such assessment would not be**  
95 **appropriate, provided that such assessments or tests shall not be**  
96 **required to be given more frequently in a grade than the statewide**  
97 **assessments are given;**

98           **(g) Annual administration of a parental satisfaction survey; and**

99           **(h) Evidence of the annual transmittal of the information**  
100 **required by this section to parents and evidence of its availability to**  
101 **applicants;**

102           **(4) "Unaccredited district", any school district classified as**  
103 **unaccredited by the state board of education.**

104           **5. The board of education of each district in this state that has**  
105 **been declared unaccredited pursuant to the authority of the state board**  
106 **of education as established in section 161.092 shall provide a**  
107 **scholarship to any resident pupil of the district to attend a school**  
108 **district, charter school, virtual school, or approved nonpublic school of**  
109 **his or her choice located within the boundaries of a school district of**  
110 **the same or an adjoining county as provided in subsection 6 of this**  
111 **section and to receive transportation to and from school. The amount**  
112 **of the scholarship shall be as provided in subsection 7 of this**  
113 **section. The department of elementary and secondary education shall**  
114 **administer the scholarship program.**

115           **6. The pupil may use the scholarship to attend an approved**  
116 **nonpublic school, virtual school, charter school, or accredited district**  
117 **that may accept him or her.**

118           **7. The amount of the scholarship shall be:**

119           **(1) For residents of a metropolitan school district or an urban**  
120 **school district containing most or all of a city with a population greater**  
121 **than three hundred fifty thousand inhabitants, the cost of attendance**  
122 **at the receiving approved nonpublic school, or two-thirds of the district**  
123 **of residence's per pupil expenditure, whichever is less, or if an**  
124 **accredited district, the cost of tuition; or**

125           **(2) For residents of all other school districts, the per pupil**

126 expenditure of the receiving school or pupil's school district of  
127 residence, whichever is less.

128 All other weighted state, local, and federal aid attributable to the pupil  
129 from the school district of residence shall be available to the pupil if  
130 the cost of attendance exceeds the amount of the scholarship. For any  
131 approved nonpublic school whose tuition or fees exceed the amount of  
132 the scholarship, the pupil's parent or guardian may pay the  
133 difference. The scholarship shall also include the amount needed to  
134 transport the pupil to and from school.

135         8. No accredited district shall be required to accept any  
136 nonresident pupil of an unaccredited district unless the pupil can  
137 affirmatively demonstrate that he or she has applied to and been  
138 rejected by five schools. After five rejections, the board of education  
139 of each district in this state that has been declared unaccredited  
140 pursuant to the authority of the state board of education as established  
141 in section 161.092 shall pay the tuition of and provide transportation  
142 consistent with the provisions of section 167.241 for each pupil resident  
143 therein who attends a school in another district of the same or an  
144 adjoining county if the receiving district is accredited without  
145 provision. After five rejections, the administrator shall assign the pupil  
146 to an accredited district that is located within a thirty-mile radius of  
147 the district boundary line closest to the pupil's residence, as measured  
148 by vehicle miles traveled. The administrator shall make assignments  
149 on a pro-rata basis based on available space such that the district's  
150 teacher-pupil ratio in the appropriate grade or placement level for the  
151 pupil, is not below the "desirable" teacher-pupil ratio identified in the  
152 resource standards under the Missouri school improvement program,  
153 and when making assignments, shall take into account whether a  
154 district has already accepted nonresident pupils under this section, and  
155 if so, the number of such nonresident pupils. The administrator shall  
156 confirm the available number of seats prior to  
157 assignment. Assignments shall accommodate all remaining pupils who  
158 desire enrollment. A parent may reject an assignment in lieu of  
159 remaining in the school district of residence or continuing to seek  
160 enrollment in other options that may be available. Five rejections shall  
161 be required only for resident pupils of a metropolitan school district,  
162 an urban school district containing most or all of a city with a  
163 population greater than three hundred fifty thousand inhabitants, or

164 any other area in which five educational options other than accredited  
165 districts are available within a thirty-mile radius of the school district  
166 of residence.

167 9. The rate of tuition to be charged by the district attended and  
168 paid by the sending district under subsection 8 of this section is the per  
169 pupil cost of maintaining the district's grade level grouping which  
170 includes the school attended. The cost of maintaining a grade level  
171 grouping shall be determined by the board of education of the district,  
172 which shall include all amounts spent for teachers' wages, incidental  
173 purposes, debt service, capital projects, maintenance and  
174 replacements. The term "debt service", as used in this section, means  
175 expenditures for the retirement of bonded indebtedness and  
176 expenditures for interest on bonded indebtedness. Per pupil cost of the  
177 grade level grouping shall be determined by dividing the cost of  
178 maintaining the grade level grouping by the average daily pupil  
179 attendance. If there is disagreement as to the amount of tuition to be  
180 paid, the facts shall be submitted to the state board of education, and  
181 its decision in the matter shall be final.

182 10. The parent or guardian of a pupil residing in an unaccredited  
183 district who intends to enroll the parent's or guardian's child in an  
184 accredited district, charter school, approved nonpublic school, or  
185 virtual school in the same or an adjoining county under the provisions  
186 of subsections 3 to 20 of this section shall send initial notification to  
187 the pupil's school district of residence and the administrator. Initial  
188 notification shall be made by March fifteenth for enrollment in the  
189 subsequent school year.

190 11. (1) If a parent or guardian fails to file the initial notification  
191 forms by the deadline specified in subsection 10 of this section, and  
192 satisfies the definition of good cause as defined in subdivision (3) of  
193 this subsection, or if the request is to enroll a child in a school in an  
194 accredited district in the same or an adjoining county, charter school,  
195 approved nonpublic school, or virtual program under this section for  
196 kindergarten or first grade or in any grade if a child is moving into  
197 Missouri or moving into the public school district for the first time, the  
198 parent or guardian shall be permitted to enroll the child in the other  
199 district in the same manner as if the deadline had been met.

200 (2) Until May fifteenth of that calendar year, the parent or  
201 guardian requesting transfer shall send notification to the district of

202 residence and the administrator, on forms prescribed by the  
203 department of elementary and secondary education, that good cause,  
204 as defined in subdivision (3) of this subsection, exists for failure to  
205 meet the deadline. The administrator shall take action to approve the  
206 request if good cause exists. A denial of a request by the administrator  
207 is not subject to appeal.

208 (3) For purposes of this section, "good cause" means a change in  
209 a child's residence due to a change in family residence, a change in a  
210 child's parents' marital status, a guardianship or custody change,  
211 placement in foster care, adoption, participation in a substance abuse  
212 or mental health treatment program, or student health or safety  
213 concerns; or a change in the status of a child's resident district, such  
214 as removal of accreditation by the state board of education, permanent  
215 closure of a public or nonpublic school that the child attends, or  
216 revocation of a charter school's charter as provided in section 160.405.  
217 If the good cause relates to a change in status of a child's school  
218 district of residence, however, action by a parent or guardian must be  
219 taken to file the notification within forty-five days of the last official  
220 action relating to such status. Student health or safety concerns shall  
221 include, but not be limited to, ongoing bullying, supported by official  
222 school reports, sexual misconduct complaints, reports, or  
223 investigations, and drug or alcohol concerns with peers. If the district  
224 does not agree with the parent's or child's concerns, a written notice of  
225 need for relocation from a medical or mental health professional shall  
226 suffice to satisfy "good cause" under this subsection.

227 12. (1) The administrator shall make counselors available to  
228 assist and advise parents and guardians who intend to transfer their  
229 child from an unaccredited district to an accredited district in the  
230 same or an adjoining county under this section or to an approved  
231 nonpublic school, charter school, or virtual school located in the  
232 unaccredited district or an accredited district in the same or an  
233 adjoining county under subsections 3 to 20 of this section. The  
234 administrator's counselors shall advise parents and guardians on  
235 education options available to the pupil and assist them in preparing  
236 any necessary applications or additional paperwork.

237 (2) Each parent or guardian of a pupil who provides notice of  
238 intent to transfer from an unaccredited school district to another  
239 school under subsections 3 to 20 of this section to the administrator,

240 shall identify five educational options in which he or she would like to  
241 enroll his or her child, in ranking order of preference, which may  
242 include but not be limited to charter schools, virtual schools, approved  
243 nonpublic schools, and accredited school districts. At least one  
244 accredited district shall be listed on the form if approved by the  
245 parent. This selection of educational options shall be performed on  
246 forms prescribed by the department of elementary and secondary  
247 education. The administrator shall enroll students in one of their five  
248 identified education option preferences, based on availability. If none  
249 of the parent's or guardian's selections are available, the administrator  
250 shall advise the parent or guardian of additional options that may be  
251 available and provide assistance in enrolling the pupil. If the pupil is  
252 unable to enroll in any of the other options, the administrator shall  
253 assign the pupil as provided in subsection 8 of this section. The  
254 administrator shall obtain separate approval from the parent or  
255 guardian prior to enrolling the child in a program consisting mainly of  
256 virtual courses or virtual programs.

257 (3) A pupil who enrolls in one of the five education options he or  
258 she has identified may return to his or her school district of residence  
259 at a later time but shall not be able to exercise the option to enroll in  
260 another school pursuant to subsections 3 to 20 of this section during  
261 that same school year. Nothing shall prohibit a pupil from seeking to  
262 enroll in another school during the following school year.

263 (4) The department of elementary and secondary education or  
264 the administrator shall maintain a website containing the following  
265 information for each approved nonpublic school that receives transfer  
266 students:

267 (a) Link to each approved nonpublic school's website, if  
268 applicable;

269 (b) Mission statement, years of operation, academic and  
270 extracurricular program, and types of students served;

271 (c) Education, credentials, qualifications, and experience of  
272 teaching and administrative staff.

273 (5) The expenses associated with the administration of pupil  
274 transfers under subsections 3 to 20 of this section shall be defrayed by  
275 the department of elementary and secondary education retaining funds  
276 to cover the cost of administration from the state and local funding  
277 withheld from a student's district of residence, but not to exceed five

278 **hundred dollars per pupil, adjusted for inflation.**

279 **13. A parent or guardian of a pupil residing in an unaccredited**  
280 **school district who intends to enroll his or her child in a charter school**  
281 **operating in a school district located in the same or an adjoining**  
282 **county shall:**

283 **(1) Follow admission procedures identified in section 160.410;**

284 **(2) Complete all requirements of this section to provide for an**  
285 **alternate enrollment option in the event a charter school does not have**  
286 **capacity to enroll the pupil.**

287 **14. Any unaccredited district shall report to the department of**  
288 **elementary and secondary education the number of its resident pupils**  
289 **who attend an accredited district, charter school, virtual school, or**  
290 **approved nonpublic school in the same or an adjoining county pursuant**  
291 **to this section and the amount of tuition paid on behalf of each**  
292 **student. For any pupil residing in an unaccredited district who attends**  
293 **an accredited district, charter school, virtual school, or approved**  
294 **nonpublic school in the same or an adjoining county pursuant to this**  
295 **section, the department of elementary and secondary education shall**  
296 **reduce the payment made to the school district of residence by the**  
297 **amount of the scholarship or tuition specified in subsections 3 to 20 of**  
298 **this section. From these funds, the department shall pay the necessary**  
299 **tuition to the receiving schools in two payments annually, one at the**  
300 **start of the school year and one approximately halfway through the**  
301 **school year. For any approved nonpublic school, the department shall**  
302 **issue a check payable to the pupil's parent or guardian and send the**  
303 **check to the pupil's approved nonpublic school of enrollment. The**  
304 **parent or guardian shall restrictively endorse the check to the**  
305 **receiving approved nonpublic school. The approved nonpublic school**  
306 **shall credit the funds to the student's account. If a school is paid more**  
307 **or less than the amounts due pursuant to subsections 3 to 20 of this**  
308 **section, the amount of overpayment or underpayment shall be adjusted**  
309 **equally in the next payment. Any dispute as to the amount owing shall**  
310 **be resolved by the department of elementary and secondary education**  
311 **and the department's decision shall be the final administrative action**  
312 **for purposes of review pursuant to chapter 536. During the period of**  
313 **dispute, the department shall make every administrative and statutory**  
314 **effort to allow the continued education of children in their current**  
315 **school setting.**

316           **15. Any accredited district that receives nonresident pupils from**  
317 **an unaccredited district by the state board of education pursuant to**  
318 **this section may educate such students in the manner provided in this**  
319 **subsection:**

320           **(1) A receiving school district may enroll the nonresident pupils**  
321 **in its existing school facilities located within the district;**

322           **(2) A receiving school district or charter school may purchase or**  
323 **lease additional facilities, or may use vacant school buildings under**  
324 **section 177.015 located in another school district and operate such**  
325 **facilities as part of the receiving district. Two or more districts or**  
326 **charter schools may cooperate and collaborate to operate such facilities**  
327 **together. A receiving district shall staff such facilities with teachers**  
328 **employed by the district. The education program at such facilities may**  
329 **include virtual courses or virtual programs. Parental approval is**  
330 **required if the education program consists mainly of virtual courses or**  
331 **virtual programs;**

332           **(3) A receiving school district may contract with an educational**  
333 **management company to educate nonresident pupils; or**

334           **(4) The school board of a receiving district may offer a virtual**  
335 **education program in which resident and nonresident pupils may**  
336 **enroll. Parental approval shall be required for such an option.**

337           **16. Each pupil who enrolls in another school under subsections**  
338 **3 to 20 of this section shall be required to complete the statewide**  
339 **assessment program for the appropriate grade levels. Any approved**  
340 **district that enrolls nonresident pupils from an unaccredited district**  
341 **shall administer the statewide assessment program for such**  
342 **nonresident pupils. The results shall be reported in aggregate**  
343 **form. Any approved nonpublic school that receives and enrolls pupils**  
344 **under this section shall inform and advise such students about the**  
345 **statewide assessment program and shall either refer those pupils to the**  
346 **local school district for completion of the statewide assessment**  
347 **program or shall administer the statewide assessment program for any**  
348 **such pupils itself. Any such results shall be reported in aggregate form**  
349 **and shall not identify any individual pupil. Any school may also**  
350 **administer a nationally recognized norm-referenced assessment, or an**  
351 **assessment of educational functioning level for adult basic education**  
352 **that meets the guidelines established by the National Reporting System**  
353 **for Adult Education for all students except those whose individualized**

354 education plan specifies such assessment would not be appropriate,  
355 provided that such assessments or tests shall not be required to be  
356 given more frequently in a grade than statewide assessments are given.

357 17. School districts shall keep records of numbers of transfers  
358 requested into and out of the district and the numbers accepted. These  
359 records shall be publicly available, shall be included in the annual  
360 report card under section 160.522, and if the district has a web site, the  
361 district shall post the records for the three most recent years. These  
362 records shall also be reported annually to the department of  
363 elementary and secondary education by a date specified by the  
364 department.

365 18. The administrator shall be responsible for coordinating  
366 transportation in the most effective and efficient manner, which may  
367 include coordinating hubs along an existing bus route. The  
368 administrator shall have authority to use any existing public school  
369 transportation to coordinate transportation of pupils under subsections  
370 3 to 20 of this section. Pupils who attend a charter school, virtual  
371 school, approved nonpublic school, or accredited district under this  
372 section shall have access to such transportation and shall be  
373 transported to their school of enrollment. The administrator may  
374 contract with private transportation providers. The parent or guardian  
375 of a pupil residing in an unaccredited district may transport the pupil  
376 to the receiving district without reimbursement. The pupil may be  
377 transported by the parent to and from a point on a regular school bus  
378 route of the receiving district. Nothing in this subsection shall be  
379 construed to prohibit a district to be compensated for use of school  
380 buses for any purpose the school district deems necessary and  
381 appropriate to accomplish the ends of this section. Nothing shall  
382 prohibit a receiving district or school from providing transportation  
383 for such pupils for an agreed upon payment or from entering into an  
384 agreement with the sending district for payment for transportation for  
385 such pupils.

386 19. Student transfers from an unaccredited district under this  
387 section shall continue until the district has been classified as  
388 accredited without provision by the state board of education for five  
389 consecutive years. Any resident pupil of an unaccredited district who  
390 has enrolled in another school district, charter school, virtual school,  
391 or approved nonpublic school under subsections 3 to 20 of this section



392 may continue to attend and complete all grade levels offered in the  
393 school or district despite subsequent changes in the residence district's  
394 accreditation status and if the school or district does not offer all grade  
395 levels necessary for graduation from high school, the pupil may  
396 transfer to another school for such completion.

397         **20. Each school district shall provide information to the parents**  
398 **and guardians of its pupils about each public school option available**  
399 **to them, including but not limited to virtual schools or programs and**  
400 **charter schools. Each school district shall also include this information**  
401 **in its parent handbook and on its internet website under the**  
402 **coursework section. The department of elementary and secondary**  
403 **education shall designate a proper format for school districts to follow**  
404 **when providing this information.**

167.151. 1. The school board of any district, in its discretion, may admit  
2 to the school pupils not entitled to free instruction and prescribe the tuition fee  
3 to be paid by them, except as provided in sections 167.121 and 167.131. **No**  
4 **school board of any school district, including the school board of any**  
5 **special school district, shall adopt or maintain a policy prohibiting the**  
6 **payment of tuition by a nonresident pupil.**

7         2. Orphan children, children with only one parent living, and children  
8 whose parents do not contribute to their support--if the children are between the  
9 ages of six and twenty years and are unable to pay tuition--may attend the  
10 schools of any district in the state in which they have a permanent or temporary  
11 home without paying a tuition fee.

12         3. Any person who pays a school tax in any other district than that in  
13 which he resides may send his children to any public school in the district in  
14 which the tax is paid and receive as a credit on the amount charged for tuition  
15 the amount of the school tax paid to the district; except that any person who owns  
16 real estate of which eighty acres or more are used for agricultural purposes and  
17 upon which his residence is situated may send his children to public school in any  
18 school district in which a part of such real estate, contiguous to that upon which  
19 his residence is situated, lies and shall not be charged tuition therefor; so long  
20 as thirty-five percent of the real estate is located in the school district of  
21 choice. The school district of choice shall count the children in its average daily  
22 attendance for the purpose of distribution of state aid through the foundation  
23 formula.

24         4. Any owner of agricultural land who, pursuant to subsection 3 of this  
25 section, has the option of sending his children to the public schools of more than

26 one district shall exercise such option as provided in this subsection. Such person  
27 shall send written notice to all school districts involved specifying to which school  
28 district his children will attend by June thirtieth in which such a school year  
29 begins. If notification is not received, such children shall attend the school in  
30 which the majority of his property lies. Such person shall not send any of his  
31 children to the public schools of any district other than the one to which he has  
32 sent notice pursuant to this subsection in that school year or in which the  
33 majority of his property lies without paying tuition to such school district.

34 5. If a pupil is attending school in a district other than the district of  
35 residence and the pupil's parent is teaching in the school district or is a regular  
36 employee of the school district which the pupil is attending, then the district in  
37 which the pupil attends school shall allow the pupil to attend school upon  
38 payment of tuition in the same manner in which the district allows other pupils  
39 not entitled to free instruction to attend school in the district. The provisions of  
40 this subsection shall apply only to pupils attending school in a district which has  
41 an enrollment in excess of thirteen thousand pupils and not in excess of fifteen  
42 thousand pupils and which district is located in a county of the first classification  
43 with a charter form of government which has a population in excess of six  
44 hundred thousand persons and not in excess of nine hundred thousand persons.

167.241. Transportation for pupils whose tuition the district of residence  
2 is required to pay by section 167.131 or who are assigned as provided in section  
3 167.121 shall be provided by the district of residence; however, in the case of  
4 pupils covered by section 167.131, the district of residence shall be required to  
5 provide transportation only to school districts accredited by the state board of  
6 education pursuant to the authority of the state board of education to classify  
7 schools as established in section 161.092 [and], those school districts designated  
8 by the board of education of the district of residence, **and any charter school,**  
9 **approved nonpublic school, or virtual school as provided in subsections**  
10 **3 to 20 of section 167.131.**

171.171. 1. Work completed in schools accredited by the state board of  
2 education shall be given full credit in requirements for entrance to and  
3 classification in any educational institution supported in whole or in part by state  
4 appropriation.

5 2. **When a student transfers into an accredited public school**  
6 **district from an unaccredited public or nonpublic school, or from a**  
7 **home school, the district shall provide the student and parent or**  
8 **guardian with a written explanation of the enrollment, credit issuance,**  
9 **grade level placement, and appeal process along with the board policy**

10 on these topics. The district shall review the student's course work,  
11 achievement test scores, transcript, and any other performance data  
12 from his or her previous school, including any records kept under  
13 section 167.031 to determine the issuing of course credits and grade  
14 level placement. If the district is unable to determine the credits  
15 earned or grade level placement based on the documentation provided,  
16 the district may administer some other proficiency assessment as set  
17 by school board policy. If the assessment selected by the district is not  
18 a recognized national or state assessment, course curricular objectives  
19 shall be provided to the student and parent or guardian prior to the  
20 test. Course credit shall be awarded based on a passing grade  
21 determined by what is considered passing to regularly enrolled  
22 students in the district. The district shall provide a determination of  
23 the course credits and grade level placement to the student and his or  
24 her parent or guardian within thirty calendar days of the request for  
25 enrollment and provision of course documentation by the student and  
26 parent or guardian.

27 **3. Board of education policies for determining the issuance of**  
28 **credits and grade level placement of transfer students shall be**  
29 **reasonable and nondiscriminatory. Elective credit may be awarded for**  
30 **religious course work or other course work not recognized as fulfilling**  
31 **the district curricular objectives but which meet the documentation**  
32 **requirements of this section or section 167.031 as applicable. The**  
33 **district shall work with the student and the student's parents or**  
34 **guardian to determine the best grade level placement based on the**  
35 **credits earned and the student's age, and devise a program of studies**  
36 **that, if completed, will earn a high school diploma.**

177.011. The title of all schoolhouse sites and other school property is  
2 vested in the district in which the property is located, or if the directors of both  
3 school districts involved agree, a school district may own property outside of the  
4 boundaries of the district and operate upon such property for school purposes;  
5 provided that, such property may only be used for school purposes for students  
6 residing in the school district owning such property or students who are enrolled  
7 in such school district as part of a court-ordered desegregation plan **or who are**  
8 **residents of a district classified as unaccredited by the state board of**  
9 **education and are enrolled in an accredited district pursuant to**  
10 **subsections 3 to 20 of section 167.131.** All property leased or rented for  
11 school purposes shall be wholly under the control of the school board during such

12 time. No board shall lease or rent any building for school purposes while the  
13 district schoolhouse is unoccupied, and no schoolhouse or school site shall be  
14 abandoned or sold until another site and house are provided for the school  
15 district.

177.015. 1. Any unaccredited school district that owns school  
2 buildings that have been unused for classroom instruction for two  
3 consecutive school years shall sell such buildings under the provisions  
4 of this chapter or make such buildings available for use by any  
5 accredited school district, charter school, virtual school, approved  
6 nonpublic school, or nonpublic school, free of any rent or lease  
7 charges. The entity that uses such building shall be responsible for  
8 paying any maintenance, upkeep, repairs, and any charges associated  
9 with the provision of any public utility service to such building.

10 2. The use of the vacant or unused school buildings may continue  
11 until the district has been classified as accredited, without provision,  
12 by the state board of education for five consecutive years. In the sixth  
13 year of accreditation without provision, the entity using the building  
14 shall return them to the district. Alternatively, the entity may  
15 purchase the building but the terms of any sale shall not include a  
16 restriction in the deed that would prohibit use of the facilities for  
17 educational purposes.

Section 1. If any provision of sections 160.400, 160.410, 160.415,  
2 160.420, 162.940, 163.036, 167.131, 167.241, 171.171, 177.011, and 177.015  
3 or the application thereof to anyone or to any circumstances is held  
4 invalid, the remainder of these sections and the application of such  
5 provisions to others or other circumstances shall not be affected  
6 thereby.

Section B. Section A of this act shall become effective only upon passage  
2 of an amendment to the Missouri Constitution by the voters of Missouri removing  
3 provisions that do not allow public funds to aid religious purposes from section  
4 7 of article I, and upon passage of an amendment to the Missouri Constitution by  
5 the voters of Missouri repealing section 8 of article IX.

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