

SECOND REGULAR SESSION

SENATE BILL NO. 452

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4506S.011

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 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 attendance in an adjoining school district is closer by travel time or distance than the pupil's public school of enrollment in his or her school district of residence, the pupil may enroll in the adjoining district upon approval of the adjoining district's school board. If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship caused by natural barrier, unsafe barrier or transportation impediment, the pupil may enroll in an adjoining school district upon approval of the adjoining district's school board. The receiving district shall enroll pupils if it has available space and the district's teacher-pupil ratio in the appropriate grade or placement level for the pupil, is not below the "desirable" teacher-pupil ratio identified in the resource standards under the Missouri school improvement program. For purposes of this section, the following terms shall mean:

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

(2) "Natural barrier", an obstruction caused by streams, rivers, lakes, and multilane highways with limited access.

2. The parent or guardian of a pupil shall send initial notification to the receiving district by March fifteenth of the preceding school year that the parent or guardian intends to enroll the

22 pupil in the district. Initial notification shall be on forms prescribed
23 by the department of elementary and secondary education. The
24 receiving district shall notify the parent or guardian within fifteen
25 business days whether it will accept the pupil.

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

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

54 5. For each pupil who enrolls in another school district under
55 this section, the receiving district and the sending district shall
56 calculate their rates of tuition, which shall be equal to the per pupil
57 cost of maintaining the district's grade level grouping. The cost of
58 maintaining a grade level grouping shall be determined by the board

59 of education of the district, which shall include all amounts spent for
60 teachers' wages, incidental purposes, debt service, maintenance and
61 replacements. The term "debt service", as used in this section, means
62 expenditures for the retirement of bonded indebtedness and
63 expenditures for interest on bonded indebtedness. Per pupil cost of the
64 grade level grouping shall be determined by dividing the cost of
65 maintaining the grade level grouping by the average daily pupil
66 attendance. For each pupil who enrolls in another school district
67 under this section, the pupil shall be counted in the weighted average
68 daily attendance of the sending district for purposes of state and
69 federal aid, and the sending district shall pay to the receiving district
70 the cost of the receiving district's tuition, as such is calculated
71 pursuant to this subsection, provided that the receiving district's
72 tuition rate is less than or equal to the sending district's tuition rate.
73 If the receiving district's tuition rate is greater than the sending
74 district's tuition rate, the sending district shall pay to the receiving
75 district an amount equal to the sending district's tuition rate, and the
76 pupil's parent or guardian shall pay to the receiving district the
77 difference between the two districts' tuition rates. If there is
78 disagreement as to the amount of tuition to be paid, the facts shall be
79 submitted to the state board of education, and its decision in the matter
80 shall be final.

81 6. The school district of residence shall make tuition payments
82 to the receiving district up to twice annually for a child enrolling in an
83 adjoining district under this section. If two payments are made, the
84 first payment shall be made at the start of the school year and the
85 second payment shall be made approximately halfway through the
86 school year. If a timely payment is not made, the receiving district
87 shall be entitled to a late charge of two and one-half percent every two
88 weeks on the amount overdue. When a payment is more than three
89 months past due, the department of elementary and secondary
90 education, upon notice from the receiving district, shall withhold the
91 total tuition amount, including federal, state, and local funds, and
92 interest, from the school district of residence's state school aid and
93 send payment in full to the receiving district.

94 7. If, after enrolling his or her child in the receiving district, the
95 parent or guardian is dissatisfied, he or she may return his or her child

96 to the school district of residence upon notification to both the
97 receiving district and the school district of residence. However, the
98 parent or guardian shall not be able to reenroll his or her child in the
99 receiving district at a later time. If the pupil's residence is so located
100 such that the pupil may enroll in another adjoining school district, the
101 parent or guardian may enroll the pupil in that district by following
102 the procedures identified in this section.

103 8. Notwithstanding sections 167.131 and 167.241, the parent or
104 guardian shall be responsible for transporting the pupil to school under
105 this section without reimbursement. A school district may provide
106 transportation for a pupil to and from a point on an existing school bus
107 route provided that the parent or guardian transports the pupil to and
108 from such point. Nothing in this subsection shall be construed to
109 prohibit a school district from voluntarily providing such
110 transportation.

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

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

116 (2) The receiving district has available space and the district's
117 teacher-pupil ratio in the appropriate grade or placement level for the
118 pupil, is not below the "desirable" teacher-pupil ratio identified in the
119 resource standards under the Missouri school improvement program.
120 The state board of education shall assign the pupil to the adjoining
121 school district if it finds that the district improperly denied enrollment
122 to the pupil.

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

128 11. A pupil's residence, for purposes of this section, means that
129 a person both physically resides within a school district and is
130 domiciled within that district. The domicile of a minor child shall be
131 the domicile of a parent, military guardian appointed pursuant to a
132 military-issued guardianship or court-appointed legal guardian, except

133 for an emancipated minor, in which case the pupil's domicile shall be
134 where he or she physically resides. This subsection shall not apply to
135 a pupil who is a homeless child or youth, as defined in subsection 1 of
136 section 167.020.

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