

SECOND REGULAR SESSION

SENATE BILL NO. 709

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4962S.011

AN ACT

To repeal sections 162.431 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to travel hardships of public school pupils.

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

Section A. Sections 162.431 and 167.121, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 162.431, 167.121,
3 and 167.125, to read as follows:

162.431. 1. When it is necessary to change the boundary lines between
2 seven-director school districts, in each district affected, ten percent of the voters
3 by number of those voting for school board members in the last annual school
4 election in each district may petition the district boards of education in the
5 districts affected, regardless of county lines, for a change in boundaries. The
6 question shall be submitted at the next election, as the term election is referenced
7 and defined in section 115.123.

8 2. The voters shall decide the question by a majority vote of those who
9 vote upon the question. If assent to the change is given by each of the various
10 districts voting, each voting separately, the boundaries are changed from that
11 date.

12 3. If one of the districts votes against the change and the other votes for
13 the change, the matter may be appealed to the state board of education, in
14 writing, within fifteen days of the submission of the question by either one of the
15 districts affected, or in the above event by a majority of the signers of the petition
16 requesting a vote on the proposal. At the first meeting of the state board
17 following the appeal, a board of arbitration composed of three members, none of
18 whom shall be a resident of any district affected, shall be appointed. In

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

19 determining whether it is necessary to change the boundary line between
20 seven-director districts, the board of arbitration shall base its decision upon the
21 following:

- 22 (1) The presence of school-aged children in the affected area;
- 23 (2) The presence of actual educational harm to school-aged children, either
24 due to a significant difference in the time involved in transporting [students]
25 **pupils** or educational deficiencies in the district which would have its boundary
26 adversely affected; and
- 27 (3) The presence of an educational necessity, not of a commercial benefit
28 to landowners or to the district benefitting for the proposed boundary adjustment.
29 For purposes of subdivision (2) of this subsection, "significant difference in the
30 time involved in transporting [students] **pupils**" shall mean a difference of
31 forty-five minutes or more per trip in travel time. "Travel time" is the period of
32 time required to transport a pupil from the pupil's place of residence or other
33 designated pick-up point to the site of the pupil's educational placement.

34 4. Within twenty days after notification of appointment, the board of
35 arbitration shall meet and consider the necessity for the proposed changes and
36 shall decide whether the boundaries shall be changed as requested in the petition
37 or be left unchanged, which decision shall be final. The decision by the board of
38 arbitration shall be rendered not more than thirty days after the matter is
39 referred to the board. The [chairman] **chair** of the board of arbitration shall
40 transmit the decision to the secretary of each district affected who shall enter the
41 same upon the records of his **or her** district and the boundaries shall thereafter
42 be in accordance with the decision of the board of arbitration. The members of
43 the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at
44 the time the appeal is made by the district taking the appeal or by the petitioners
45 should they institute the appeal.

46 5. If the board of arbitration decides that the boundaries shall be left
47 unchanged, no new petition for the same, or substantially the same, boundary
48 change between the same districts shall be filed until after the expiration of two
49 years from the date of the municipal election at which the question was submitted
50 to the voters of the districts.

167.121. 1. If the residence of a pupil is so located that attendance in the
2 district of residence constitutes an unusual or unreasonable transportation
3 hardship because of natural barriers, travel time, or distance, the commissioner
4 of education or his **or her** designee may assign the pupil to another district,

5 **except as provided in section 167.125.** Subject to the provisions of this
6 section, all existing assignments shall be reviewed prior to July 1, 1984, and from
7 time to time thereafter, and may be continued or rescinded. **Any assignment**
8 **granted to a pupil under this section before August 28, 2018, shall**
9 **remain in effect until the pupil completes his or her course of study in**
10 **the receiving district or until the parent or guardian withdraws the**
11 **pupil from the assignment. Any assignment granted to a pupil under**
12 **this section before August 28, 2018, shall also be applicable to any**
13 **sibling of the pupil and shall remain in effect until the pupil completes**
14 **his or her course of study in the receiving district or until the parent**
15 **or guardian withdraws the pupil from the assignment.** The board of
16 education of the district in which the pupil lives shall pay the tuition of the pupil
17 assigned. The tuition shall not exceed the pro rata cost of instruction.

18 2. (1) For the school year beginning July 1, 2008, and each succeeding
19 school year, a parent or guardian residing in a lapsed public school district or a
20 district that has scored either unaccredited or provisionally accredited, or a
21 combination thereof, on two consecutive annual performance reports may enroll
22 the parent's or guardian's child in the Missouri virtual school created in section
23 161.670 provided the pupil first enrolls in the school district of residence. The
24 school district of residence shall include the pupil's enrollment in the virtual
25 school created in section 161.670 in determining the district's average daily
26 attendance. Full-time enrollment in the virtual school shall constitute one
27 average daily attendance equivalent in the school district of residence. Average
28 daily attendance for part-time enrollment in the virtual school shall be calculated
29 as a percentage of the total number of virtual courses enrolled in divided by the
30 number of courses required for full-time attendance in the school district of
31 residence.

32 (2) A pupil's residence, for purposes of this section, means residency
33 established under section 167.020. Except for **[students] pupils** residing in a K-8
34 district attending high school in a district under section 167.131, the board of the
35 home district shall pay to the virtual school the amount required under section
36 161.670.

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

41 (4) Any rule or portion of a rule, as that term is defined in section
42 536.010, that is created under the authority delegated in this section shall
43 become effective only if it complies with and is subject to all of the provisions of
44 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
45 nonseverable and if any of the powers vested with the general assembly pursuant
46 to chapter 536 to review, to delay the effective date, or to disapprove and annul
47 a rule are subsequently held unconstitutional, then the grant of rulemaking
48 authority and any rule proposed or adopted after August 28, 2007, shall be
49 invalid and void.

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

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

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

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

19 2. (1) **For pupils applying to the commissioner of education
20 under this section, the commissioner or his or her designee shall assign
21 pupils in the order in which applications are received, so long as the
22 applications are properly completed and the conditions of subsection
23 1 of this section are met.**

24 (2) **Once granted, the hardship assignment shall continue until
25 the pupil, and any sibling of the pupil who attends the same attendance
26 center, completes his or her course of study in the receiving district or
27 the parent or guardian withdraws the pupil. If a parent or guardian
28 withdraws a pupil from a hardship assignment, the granting of a**

29 subsequent application is discretionary.

30 **(3) A pupil shall be eligible to apply to the commissioner of**
31 **education to be assigned to another district under this section if the**
32 **pupil has been enrolled in and attending a public school in his or her**
33 **district of residence during the school year prior to the**
34 **application. Any pupil shall be eligible to apply to the commissioner**
35 **of education to be assigned to another district under this section if the**
36 **pupil has been enrolled in and attending a public school in a district**
37 **other than his or her district of residence and paid nonresident tuition**
38 **for such enrollment during the school year prior to the**
39 **application. Pupils who reside in the district who become eligible for**
40 **kindergarten or first grade shall also be eligible to apply to the**
41 **commissioner of education to be assigned to another district.**

42 **(4) A pupil who is not currently enrolled in a public school**
43 **district shall become eligible to apply to the commissioner of education**
44 **to be assigned to another district after the pupil has enrolled in and**
45 **completed a full school year in a public school in his or her district of**
46 **residence.**

47 **3. The board of education of the district in which the pupil**
48 **resides shall pay the tuition of the pupil assigned. The tuition amount**
49 **shall not exceed the pro rata cost of instruction.**

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