

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 425
94TH GENERAL ASSEMBLY

Reported from the Committee on Elementary and Secondary Education April 12, 2007 with recommendation that House Committee Substitute for House Bill No. 425 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0787L.02C

AN ACT

To repeal section 167.231, RSMo, and to enact in lieu thereof one new section relating to transportation of pupils.

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

Section A. Section 167.231, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.231, to read as follows:

167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty. If no increase in the tax levy of the school district is required to provide transportation for pupils

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 living less than one mile from the school, the board may transport said pupils. If an increase in
16 the tax levy of the school district is required to provide transportation for pupils living less than
17 one mile from school, the board shall submit the question at a public election. If a two-thirds
18 majority of the voters voting on the question at the election are in favor of providing the
19 transportation, the board shall arrange and provide therefor. **The board of education may also**
20 **provide transportation for any pupil resident in the district who attends a private or**
21 **parochial school located in the district under the conditions prescribed in subsection 4 of**
22 **this section.**

23 2. The proposal and the ballots may be in substantially the following form:

24 Shall the board of education of the school district provide transportation at the
25 expense of the district for pupils living less than one mile from school and be authorized to levy
26 an additional tax of cents on the one hundred dollars assessed valuation to provide funds
27 to pay for such transportation service?

28 ☐ YES

☐ NO

29

30 (If you are in favor of the proposition (or question), place an X in the box opposite "YES". If
31 you are opposed to the proposition (or question), place an X in the box opposite "NO".)

32 3. The board of education of any school district may provide transportation to and from
33 school for any public school pupil not otherwise eligible for transportation under the provisions
34 of state law, and may prescribe reasonable rules and regulations as to eligibility for
35 transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of
36 transporting the pupil. The minimum charge would be the actual cost of transporting the pupil
37 for ninety school days, which actual cost is to be determined by the average per-pupil cost of
38 transporting children in the school district during the preceding school year. The full actual cost
39 shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school
40 aid funds or out of any other revenues of the school district. The cost of transportation may be
41 paid in installments, and the board of education shall establish the cost of the transportation and
42 the time or times and method of payment.

43 **4. The board of education of any school district may provide transportation to and**
44 **from school for any resident pupil attending a private or parochial school in the district:**

45 **(1) If transportation to and from school is offered to all resident students who**
46 **attend the public school. Public school students who do not qualify for free transportation**
47 **according to state law may be required to pay for transportation services;**

48 **(2) When providing such transportation can be achieved without use of state funds**
49 **or additional local funds and without incurring additional capital expense; and**

50 (3) If the parents or guardian of the private or parochial school pupil agree in
51 writing to pay the actual cost of transporting the pupil.

52

53 The board of education may prescribe rules as to eligibility for transportation. The
54 minimum charge shall be the actual cost of transporting the pupil for ninety school days,
55 which actual cost is to be determined by the average per pupil cost of transporting children
56 in the school district during the preceding school year compared to the average per pupil
57 cost had the seats available and unfilled been used. The full actual cost shall be paid by the
58 parent or guardian of the pupil and shall not be paid out of any state school aid funds or
59 out of any other revenues of the school district. The cost of transportation may be paid in
60 installments, and the board of education shall establish the cost of the transportation and
61 the time or times and method of payment. Any school district that provides transportation
62 pursuant to this subsection shall develop rules to address the priority of seating nonpublic
63 school pupils and bus route development.

64 5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
65 that is created under the authority delegated in this section shall become effective only if
66 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
67 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
68 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
69 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
70 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
71 adopted after August 28, 2007, shall be invalid and void.

72 6. Nothing in this section shall be construed as restricting the ability of a school
73 district to be compensated for use of school buses for any purpose the school district deems
74 appropriate.

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