

SECOND REGULAR SESSION

# HOUSE BILL NO. 2033

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SOLON.

5952L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to school transfers, with an emergency clause.

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

Section A. Section 167.131, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.131, to read as follows:

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

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final.

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.

17 Subject to the limitations of this section, each pupil shall be free to attend the public school of  
18 his or her choice.

19 **3. Subsections 4 to 11 of this section shall be known as the "Education Protection**  
20 **Act".**

21 **4. The board of education of each district in this state that has been declared**  
22 **unaccredited pursuant to the authority of the state board of education as established in**  
23 **section 161.092 shall pay tuition and provide transportation consistent with the provisions**  
24 **of section 167.241 for each pupil resident therein who meets the criteria of subsections 4**  
25 **to 11 of this section. A pupil from an unaccredited district may attend a school in another**  
26 **district of the same or an adjoining county if the receiving district is accredited without**  
27 **provision and if the pupil has been enrolled in and attending a public school in the district**  
28 **during the school year when such declaration is made, or has enrolled and attended in the**  
29 **unaccredited district in school years subsequent to the year in which the declaration is**  
30 **made. Pupils who reside in the unaccredited district who become eligible for kindergarten**  
31 **or first grade in a school year after the effective date of this section are also eligible to**  
32 **transfer.**

33 **5. The rate of tuition to be charged by the district attended and paid by the sending**  
34 **district under subsection 4 of this section shall be the nonresident tuition established by**  
35 **each district under subsection 2 of this section. Residence districts shall remit payments**  
36 **to receiving districts within ten business days after receiving their monthly state-aid**  
37 **distribution. Failure to send tuition payments to a receiving district for two successive**  
38 **months shall result in the department of elementary and secondary education withholding**  
39 **the amount of tuition associated with each transferring pupil and distributing that amount**  
40 **to the receiving district.**

41 **6. By June 30, 2014, each school district shall establish specific criteria through**  
42 **board policy for the admission of nonresident pupils from districts that have been classified**  
43 **as unaccredited by the state board of education who seek admission into a school district**  
44 **under subsection 4 of this section. Subsequently, public notice of this policy or**  
45 **amendments to it shall be posted by January fifteenth for the next school year. Receiving**  
46 **districts shall publicly post on their websites the student transfer application, the district's**  
47 **admissions process and the current available enrollment slots by grade level by such dates.**  
48 **The primary criteria shall be the availability of highly qualified teachers in existing**  
49 **classroom space. Each district shall establish criteria for calculating available seats that**  
50 **take into account the district's resident pupil population growth or decrease, based on**  
51 **demographic projections provided by the office of socioeconomic data analysis, such that**  
52 **the receiving district shall not be required to employ additional teachers or construct new**

53 classrooms to accommodate such transfer pupils. No resident pupil shall be displaced from  
54 a school to which he or she would otherwise be assigned to accommodate the admission of  
55 a nonresident pupil.

56 7. If a receiving school district does not have sufficient capacity to enroll all pupils  
57 who submit a timely application, the district shall institute an admissions process to ensure  
58 all applicants an equal chance of admission, except that a school district may give  
59 preference for admission to siblings of children who are already enrolled in the school  
60 district under this section. Children who are already enrolled as nonresident transfers  
61 shall not be required to reapply, but parents may be required to complete a form  
62 indicating their intention to keep their child in the receiving district the following year.

63 8. The parent or guardian shall send notification to the residence district and the  
64 receiving district of intent to enroll a pupil in a school district other than the residence  
65 district. The parent or guardian may make application for a specific building assignment  
66 within the district, but the assignment of a pupil to a particular building shall be the  
67 decision of the receiving district. Parents shall notify the school district by February first  
68 prior to the school year in which they intend to transfer a pupil from an unaccredited  
69 school district. If there are extenuating circumstances that make it appropriate for serving  
70 the interest of the child, receiving districts may consider transfers at the semester based on  
71 locally determined class size.

72 9. Performance accountability for the transfer pupil shall not be included in the  
73 building and district annual performance reports of the receiving district until the student  
74 attends the school or district for three full academic years.

75 10. Once a pupil's residence district has regained its accreditation, the pupil shall  
76 return to the residence district at the beginning of the school year next following the  
77 district's regaining its accreditation.

78 11. Subject to the limitations of this section and section 167.020, each pupil shall  
79 be free to attend the public school of his or her choice.

Section B. Because immediate action is necessary to clarify the enrollment options of  
2 students in unaccredited districts prior to the commencement of the 2014-15 school year, this act  
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
5 this act shall be in full force and effect upon its passage and approval.

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