

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1238
103RD GENERAL ASSEMBLY

2391H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 167.151, RSMo, and to enact in lieu thereof one new section relating to pupil attendance at nonresident schools.

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

Section A. Section 167.151, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.151, to read as follows:

167.151. 1. The school board of any district~~[-]~~:

(1) In its discretion, may admit to the school pupils not entitled to free instruction; and

(2) **Shall** prescribe the tuition fee to be paid by them, except as provided in:

(a) Subdivision (2) of subsection 3 of this section;

(b) **Subsection 6 of this section;** and ~~in~~

(c) Sections 167.121, 167.131, 167.132, ~~and~~ 167.895, **and 168.151.**

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

3. (1) For all school years ending on or before June 30, 2023, any individual who pays a school tax in any other district than that in which such individual resides may send such individual's children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any individual who owns real estate of which eighty acres or more are used for agricultural purposes and upon which such individual's residence is situated may send such individual's children to public school in any school district in which a part of such

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.

19 real estate, contiguous to that upon which such individual's residence is situated, lies and shall
20 not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the
21 school district of choice. The school district of choice shall count the children in its average
22 daily attendance for the purpose of distribution of state aid through the foundation formula.

23 (2) For all school years beginning on or after July 1, 2023, any current owner of
24 residential real property or agricultural real property or a named beneficiary of a trust that
25 currently owns residential real property or agricultural real property and that pays a school tax
26 in a district or districts other than the district in which such current owner or current
27 beneficiary resides may send up to four of such owner's or beneficiary's children to a public
28 school, excluding a charter school, in any district in which such owner or trust pays such
29 school tax. For purposes of this subdivision, "residential real property" shall not include any
30 multifamily residential property which exceeds four units. An owner or a named beneficiary
31 of a trust that currently owns residential real property shall not be permitted under this
32 subdivision to send their child to a district outside of the county in which they currently
33 reside. Such owner or beneficiary shall send thirty days' written notice to all school districts
34 involved specifying which school district each child will attend. Such owner or beneficiary
35 shall also present proof of the owner's or trust's annual payment of at least two thousand
36 dollars of school taxes levied on the real property specified in this subdivision within such
37 school district and ownership of the specified real property for not less than the immediately
38 preceding four consecutive years. Neither the resident nor nonresident districts shall be
39 responsible for providing transportation services under this subdivision. The school district
40 attended shall count a child attending under this subdivision in its average daily attendance
41 for the purpose of distribution of state aid under chapter 163, except that such nonresident
42 students shall not be counted in the district's average daily attendance for the purposes of
43 determining eligibility for aid payments under section 163.044.

44 4. For any school year ending on or before June 30, 2023, any owner of agricultural
45 land who, pursuant to subsection 3 of this section, has the option of sending ~~[his]~~ **such**
46 **individual's** children to the public schools of more than one district shall exercise such option
47 as provided in this subsection. Such person shall send written notice to all school districts
48 involved specifying to which school district ~~[his]~~ **such** children will attend by June thirtieth in
49 which such a school year begins. If notification is not received, such children shall attend the
50 school in which the majority of ~~[his]~~ **such individual's** property lies. Such person shall not
51 send any of ~~[his]~~ **such individual's** children to the public schools of any district other than the
52 one to which ~~[he]~~ **such individual** has sent notice pursuant to this subsection in that school
53 year or in which the majority of ~~[his]~~ **such individual's** property lies without paying tuition to
54 such school district.

55 5. If a pupil is attending school in a district other than the district of residence and the
56 pupil's parent is teaching in the school district or is a regular employee of the school district
57 which the pupil is attending, then the district in which the pupil attends school shall allow the
58 pupil to attend school upon payment of tuition in the same manner in which the district allows
59 other pupils not entitled to free instruction to attend school in the district. The provisions of
60 this subsection shall apply only to pupils attending school in a district which has an
61 enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils
62 and which district is located in a county with a charter form of government which has a
63 population in excess of six hundred thousand persons and not in excess of nine hundred
64 thousand persons.

65 **6. (1) As used in this subsection, the following terms mean:**

66 **(a) "Contractor", an individual who devotes at least twenty paid hours per week**
67 **fulfilling employment requirements or providing services to or for the benefit of a school**
68 **district or public school employer in such district in any job title or position that is**
69 **covered for an employee with such job title or in such position by a retirement system**
70 **created under chapter 169 under a contract between such individual or such**
71 **individual's employer and such school district or public school;**

72 **(b) "Regular employee", an individual who devotes at least twenty paid hours**
73 **per week fulfilling employment requirements or providing services to or for the benefit**
74 **of a school district or public school in such district in any position that is covered by a**
75 **retirement system created under chapter 169.**

76 **(2) (a) For the 2025-26 school year and all subsequent school years, a school**
77 **district may admit a child whose parent is a contractor or regular employee of a school**
78 **district other than the child's school district of residence or a public school in such**
79 **district, and such child may attend school in such nonresident school district.**

80 **(b) Such nonresident school district shall allow the child to attend school in the**
81 **same manner in which the district allows other pupils who are entitled to free**
82 **instruction to attend school in the district and without paying a tuition fee.**

83 **(c) Such child shall be considered a resident pupil of such nonresident district**
84 **under the definition of average daily attendance in section 163.011.**

85 **(d) If such child wishes to attend a school within the nonresident district that is a**
86 **magnet school, an academically selective school, or a school with a competitive entrance**
87 **process that has admissions requirements, the child's parent shall furnish proof that the**
88 **child meets the admissions requirements for such school in order to attend.**

89 **(3) The school district or public school may require:**

90 **(a) A contractor to provide documentation showing that such contractor meets**
91 **the requirements of this subsection; and**

92 **(b) A contractor or regular employee to have worked a minimum number of**
93 **days, not to exceed sixty, for such contractor's or regular employee's child to be eligible**
94 **to attend school in such nonresident school district under this subsection.**

95 **(4) Neither the resident district nor nonresident district shall be responsible for**
96 **providing transportation services under this subsection.**

97 **(5) If the parent of a nonresident child attending school under this subsection**
98 **ceases to be a contractor or regular employee of a school district, the child may complete**
99 **the school year as provided under the provisions of this subsection.**

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