

SECOND REGULAR SESSION

# HOUSE BILL NO. 3391

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PARKER.

7279H.021

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 167.151, RSMo, and to enact in lieu thereof one new section relating to admission of nonresident students.

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Section A. Section 167.151, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.151, to read as follows: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

(c) Sections 167.121, 167.131, 167.132, 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

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.

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

47 (3) **As used in subdivision (2) of this subsection, "remainderman" means a**  
48 **person entitled to receive and take possession of property, including real estate or trust**  
49 **assets, after a preceding interest, typically a life estate, terminates.**

50 4. For any school year ending on or before June 30, 2023, any owner of agricultural  
51 land who, pursuant to subsection 3 of this section, has the option of sending such individual's  
52 children to the public schools of more than one district shall exercise such option as provided  
53 in this subsection. Such person shall send written notice to all school districts involved  
54 specifying to which school district such children will attend by June thirtieth in which such a

55 school year begins. If notification is not received, such children shall attend the school in  
56 which the majority of such individual's property lies. Such person shall not send any of such  
57 individual's children to the public schools of any district other than the one to which such  
58 individual has sent notice pursuant to this subsection in that school year or in which the  
59 majority of such individual's property lies without paying tuition to such school district.

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

70         6. (1) As used in this subsection, the following terms mean:

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

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

81         (2) (a) For the 2025-26 school year and all subsequent school years, a school district  
82 or charter school may, if approved by a majority vote of the members of the school board of  
83 the school district or governing board of the charter school, adopt a policy to admit a child  
84 whose parent is a contractor or regular employee of a school district other than the child's  
85 school district of residence, a public school in such district, or a charter school, and, if such a  
86 policy is adopted, such child may attend school in such nonresident school district or charter  
87 school.

88         (b) Such nonresident school district or charter school shall allow the child to attend  
89 school in the same manner in which the district or charter school allows other pupils who are  
90 entitled to free instruction to attend school in the district and without paying a tuition fee.

91 (c) Such child shall be considered a resident pupil of such nonresident district or  
92 charter school under the definition of average daily attendance in section 163.011, except that  
93 for a student attending a nonresident charter school, the charter school shall receive a state aid  
94 payment in an amount determined by multiplying the charter school's weighted average daily  
95 attendance of such transferring student enrolled in the charter school by the state adequacy  
96 target and multiplying this product by the dollar-value modifier for the district in which the  
97 charter school is located, and the provisions of section 160.415 shall not apply to any  
98 nonresident student attending a charter school. For purposes of this paragraph, the terms  
99 "dollar-value modifier", "state adequacy target", and "weighted average daily attendance"  
100 shall have the same meaning as such terms are defined in section 163.011.

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

105 (3) The school district, charter school, or public school may require:

106 (a) A contractor to provide documentation showing that such contractor meets the  
107 requirements of this subsection; and

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

111 (4) Neither the resident district or charter school nor the nonresident district or charter  
112 school shall be responsible for providing transportation services under this subsection.

113 (5) If the parent of a nonresident child attending school under this subsection ceases  
114 to be a contractor or regular employee of a school district or charter school, the child may  
115 complete the school year as provided under the provisions of this subsection.

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