

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1789
96TH GENERAL ASSEMBLY

5932S.08T

2012

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Section A. Sections 162.431 and 167.121, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 162.431, 167.121, and 1, to read as follows:

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

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

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

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.

16 shall be appointed. In determining whether it is necessary to change the boundary line between
17 seven-director districts, the board of arbitration shall base its decision upon the following:

18 (1) The presence of school-aged children in the affected area;

19 (2) The presence of actual educational harm to school-aged children, either due to a
20 significant difference in the time involved in transporting students or educational deficiencies
21 in the district which would have its boundary adversely affected; and

22 (3) The presence of an educational necessity, not of a commercial benefit to landowners
23 or to the district benefitting for the proposed boundary adjustment.

24 **For purposes of subdivision (2) of this subsection, "Significant difference in the time involved**
25 **in transporting students" shall mean a difference of forty-five minutes or more per trip in travel**
26 **time. "Travel time" is the period of time required to transport a pupil from the pupil's place of**
27 **residence or other designated pick-up point to the site of the pupil's educational placement.**

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

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

167.121. 1. If the residence of a pupil is so located that attendance in the district of
2 residence constitutes an unusual or unreasonable transportation hardship because of natural
3 barriers, travel time, or distance, the commissioner of education or his **or her** designee may
4 assign the pupil to another district, **except as provided in section 1 of this act.** Subject to the
5 provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and
6 from time to time thereafter, and may be continued or rescinded. **Any assignment granted to**
7 **a pupil under this section prior to August 28, 2012, shall remain in effect until the pupil**
8 **completes his or her course of study in the receiving district or until the parent or guardian**
9 **withdraws the pupil from the assignment. Any assignment granted to a pupil under this**
10 **section prior to August 28, 2012, shall also be applicable to any sibling of the pupil and**

11 **shall remain in effect until the pupil completes his or her course of study in the receiving**
12 **district or until the parent or guardian withdraws the pupil from the assignment.** The
13 board of education of the district in which the pupil lives shall pay the tuition of the pupil
14 assigned. The tuition shall not exceed the pro rata cost of instruction.

15 2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a
16 parent or guardian residing in a lapsed public school district or a district that has scored either
17 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual
18 performance reports may enroll the parent's or guardian's child in the Missouri virtual school
19 created in section 161.670 provided the pupil first enrolls in the school district of residence. The
20 school district of residence shall include the pupil's enrollment in the virtual school created in
21 section 161.670 in determining the district's average daily attendance. Full-time enrollment in
22 the virtual school shall constitute one average daily attendance equivalent in the school district
23 of residence. Average daily attendance for part-time enrollment in the virtual school shall be
24 calculated as a percentage of the total number of virtual courses enrolled in divided by the
25 number of courses required for full-time attendance in the school district of residence.

26 (2) A pupil's residence, for purposes of this section, means residency established under
27 section 167.020. Except for students residing in a K-8 district attending high school in a district
28 under section 167.131, the board of the home district shall pay to the virtual school the amount
29 required under section 161.670.

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

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

Section 1. 1. For any pupil residing in any unincorporated area located in a county
2 **of the first classification with more than one hundred one thousand but fewer than one**
3 **hundred fifteen thousand inhabitants that also borders on a county with a charter form**
4 **of government and with more than nine hundred fifty thousand inhabitants and a county**
5 **with a charter form of government and with more than three hundred thousand but fewer**
6 **than four hundred fifty thousand inhabitants, for any pupil residing in any village with**

7 more than three hundred twenty but fewer than three hundred sixty inhabitants and
8 located in any county of the third classification without a township form of government
9 and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants
10 and with a village with more than two hundred but fewer than two hundred fifty
11 inhabitants as the county seat, or for any pupil residing in a village with more than one
12 hundred forty but fewer than one hundred sixty inhabitants and located in any county of
13 the third classification without a township form of government and with more than twenty
14 thousand but fewer than twenty-three thousand inhabitants and with a city of the fourth
15 classification with more than two thousand four hundred but fewer than two thousand
16 seven hundred inhabitants as the county seat, the commissioner of education or his or her
17 designee shall, upon proper application by the parent or guardian of the pupil, assign the
18 pupil and any sibling of the pupil to another school district if the following conditions are
19 met:

20 (1) The actual driving distance from the student's residence to the attendance
21 center in the district of residence is seventeen miles or more by the shortest route available
22 as determined by the commissioner or his or her designee;

23 (2) The attendance center to which the student would be assigned in the receiving
24 district is at least seven miles closer in actual driving distance by the shortest route
25 available to the student's residence than the current attendance center in the residence
26 district as determined by the commissioner or his or her designee; and

27 (3) The attendance of the student will not cause the classroom in the receiving
28 district to exceed the number of students per class as determined by the receiving district.

29 2. For pupils applying to the commissioner of education under this section, the
30 commissioner, or his or her designee, shall assign pupils in the order in which applications
31 are received, provided the applications are properly completed and the conditions of
32 subsection 1 of this section are met. Once granted, the hardship assignment shall continue
33 until the pupil, and any sibling of the pupil who attends the same attendance center,
34 completes his or her course of study in the receiving district or the parent or guardian
35 withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship
36 assignment, the granting of a subsequent application is discretionary. A pupil shall be
37 eligible to apply to the commissioner of education to be assigned to another district under
38 this section if the pupil has been enrolled in and attending a public school in his or her
39 district of residence during the school year prior to the application. Any pupil shall be
40 eligible to apply to the commissioner of education to be assigned to another district under
41 this section if the pupil has been enrolled in and attending a public school in a district other
42 than his or her district of residence and paid nonresident tuition for such enrollment

43 during the school year prior to the application. Pupils who reside in the district who
44 become eligible for kindergarten or first grade shall also be eligible to apply to the
45 commissioner of education to be assigned to another district. A pupil who is not currently
46 enrolled in a public school district shall become eligible to apply to the commissioner of
47 education to be assigned to another district after the student has enrolled in and completed
48 a full school year in a public school in his or her district of residence.

49 3. The board of education of the district in which the pupil lives shall pay the
50 tuition of the pupil assigned. The tuition amount shall not exceed the pro rata cost of
51 instruction.

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