

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 709**  
99TH GENERAL ASSEMBLY

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Reported from the Committee on Education, April 30, 2018, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4962S.02C

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**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.

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*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Section A. Sections 162.431 and 167.121, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 162.431, 167.121,  
3 and 167.125, to read as follows:

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

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

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 determining whether it is necessary to change the boundary line between  
20 seven-director districts, the board of arbitration shall base its decision upon the  
21 following:

22 (1) The presence of school-aged children in the affected area;  
23 (2) The presence of actual educational harm to school-aged children, either  
24 due to a significant difference in the time involved in transporting [students]  
25 **pupils** or educational deficiencies in the district which would have its boundary  
26 adversely affected; and

27 (3) The presence of an educational necessity, not of a commercial benefit  
28 to landowners or to the district benefitting for the proposed boundary  
29 adjustment. For purposes of subdivision (2) of this subsection, "significant  
30 difference in the time involved in transporting [students] **pupils**" shall mean a  
31 difference of forty-five minutes or more per trip in travel time. "Travel time" is  
32 the period of time required to transport a pupil from the pupil's place of residence  
33 or other designated pick-up point to the site of the pupil's educational placement.

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

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

167.121. 1. If the residence of a pupil is so located that attendance in the  
2 district of residence constitutes an unusual or unreasonable transportation  
3 hardship because of natural barriers, travel time, or distance, the commissioner  
4 of education or his **or her** designee may assign the pupil to another district,

5 **except as provided in section 167.125.** Subject to the provisions of this  
6 section, all existing assignments shall be reviewed prior to July 1, 1984, and from  
7 time to time thereafter, and may be continued or rescinded. **Any assignment**  
8 **granted to a pupil under this section prior to August 28, 2018, shall**  
9 **remain in effect until the pupil completes his or her course of study in**  
10 **the receiving district or until the parent or guardian withdraws the**  
11 **pupil from the assignment. Any assignment granted to a pupil under**  
12 **this section prior to August 28, 2018, shall also be applicable to any**  
13 **sibling of the pupil and shall remain in effect until the pupil completes**  
14 **his or her course of study in the receiving district or until the parent**  
15 **or guardian withdraws the pupil from the assignment.** The board of  
16 education of the district in which the pupil lives shall pay the tuition of the pupil  
17 assigned. The tuition shall not exceed the pro rata cost of instruction.

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

32 (2) A pupil's residence, for purposes of this section, means residency  
33 established under section 167.020. Except for [students] **pupils** residing in a K-8  
34 district attending high school in a district under section 167.131, the board of the  
35 home district shall pay to the virtual school the amount required under section  
36 161.670.

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

41 (4) Any rule or portion of a rule, as that term is defined in section  
42 536.010, that is created under the authority delegated in this section shall  
43 become effective only if it complies with and is subject to all of the provisions of  
44 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
45 nonseverable and if any of the powers vested with the general assembly pursuant  
46 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
47 a rule are subsequently held unconstitutional, then the grant of rulemaking  
48 authority and any rule proposed or adopted after August 28, 2007, shall be  
49 invalid and void.

167.125. 1. (1) For the purposes of this section, the term  
2 "attendance center" shall mean a public school building or buildings or  
3 part of a school building that constitutes one unit for accountability  
4 purposes under the Missouri school improvement program.

5 (2) For any pupil residing in any unincorporated area located in  
6 a county of the first classification with more than one hundred one  
7 thousand but fewer than one hundred fifteen thousand inhabitants that  
8 also borders on a county with a charter form of government and with  
9 more than nine hundred fifty thousand inhabitants and a county with  
10 a charter form of government and with more than three hundred  
11 thousand but fewer than four hundred fifty thousand inhabitants, and  
12 for any pupil residing in any village with more than three hundred  
13 twenty but fewer than three hundred sixty inhabitants and located in  
14 any county of the third classification without a township form of  
15 government and with more than twenty-three thousand but fewer than  
16 twenty-six thousand inhabitants and with a village with more than two  
17 hundred but fewer than two hundred fifty inhabitants as the county  
18 seat, the commissioner of education or his or her designee shall, upon  
19 proper application by the parent or guardian of the pupil, assign the  
20 pupil and any sibling of the pupil to another school district if the pupil  
21 is eligible as described under subsection 2 of this section and the  
22 following conditions are met:

23 (a) The actual driving distance from the pupil's residence to the  
24 attendance center in the district of residence is fifteen miles or more  
25 by the shortest route available as determined by the commissioner or  
26 his or her designee;

27 (b) The attendance center to which the pupil would be assigned  
28 in the receiving district is at least five miles closer in actual driving

29 distance by the shortest route available to the pupil's residence than  
30 the current attendance center in the district of residence as determined  
31 by the commissioner or his or her designee; and

32 (c) The attendance of the pupil will not cause the classroom in  
33 the receiving district to exceed the number of pupils per class as  
34 determined by the receiving district.

35 2. (1) For pupils applying to the commissioner of education  
36 under this section, the commissioner, or his or her designee, shall  
37 assign pupils in the order in which applications are received, provided  
38 the applications are properly completed and the conditions of  
39 subsection 1 of this section are met.

40 (2) Once granted, the hardship assignment shall continue until  
41 the pupil, and any sibling of the pupil who attends the same attendance  
42 center, completes his or her course of study in the receiving district or  
43 the parent or guardian withdraws the pupil. If a parent or guardian  
44 withdraws a pupil from a hardship assignment, the granting of a  
45 subsequent application is discretionary.

46 (3) A pupil shall be eligible to apply to the commissioner of  
47 education to be assigned to another district under this section if the  
48 pupil has been enrolled in and attending a public school in his or her  
49 district of residence during the school year prior to the  
50 application. Any pupil shall be eligible to apply to the commissioner  
51 of education to be assigned to another district under this section if the  
52 pupil has been enrolled in and attending a public school in a district  
53 other than his or her district of residence and paid nonresident tuition  
54 for such enrollment during the school year prior to the  
55 application. Pupils who reside in the district who become eligible for  
56 kindergarten or first grade shall also be eligible to apply to the  
57 commissioner of education to be assigned to another district.

58 (4) A pupil who is not currently enrolled in a public school  
59 district shall become eligible to apply to the commissioner of education  
60 to be assigned to another district after the pupil has enrolled in and  
61 completed a full school year in a public school in his or her district of  
62 residence.

63 3. The board of education of the district in which the pupil  
64 resides shall pay the tuition of the pupil assigned. The tuition amount  
65 shall not exceed the pro rata cost of instruction. However, if the

66 tuition of the receiving district is greater than the tuition of the pupil's  
67 district of residence, the pupil's parent or guardian shall pay the  
68 difference in tuition.

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