

SECOND REGULAR SESSION

HOUSE BILL NO. 1420

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKINSON.

4799H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 167.131 and 167.241, RSMo, and to enact in lieu thereof two new sections relating to transportation of students, with an emergency clause.

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

Section A. Sections 167.131 and 167.241, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 167.131 and 167.241, to read as follows:

167.131. 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay the tuition of and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county.

2. **Except as provided in subsection 3 of this section**, 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. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

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 **3. If one or both of the school districts selected under section 167.241 are not**
19 **located within the same county as the sending school, and there were accredited school**
20 **districts within the county that were included on the list of five potential school districts**
21 **under subsection 2 of section 167.241, the sending school district must pay one and one-half**
22 **times the cost of tuition determined under this section.**

 167.241. 1. The board of education of any district that does not maintain an
2 accredited school shall hold at least three meetings to discuss the transportation of pupil
3 residents to an accredited school in another district. Each of these meetings must be made
4 open to the public under section 610.021. Upon the conclusion of the meetings, the board
5 of education shall name five accredited school districts as possible districts at which the
6 pupil residents shall be permitted to attend.

7 **2. After a list of five potential school districts has been determined under subsection**
8 **1 of this section, the state auditor shall conduct an audit, assess each district's basic**
9 **statistics and issue a report detailing each district's assessment. For the purposes of this**
10 **section, "basic statistics" shall include but not be limited to classroom size, potential for**
11 **growth and cost of tuition.**

12 **3. After the assessment is completed under subsection 2 of this section, the state**
13 **board of education shall review the report and approve or deny each district as a potential**
14 **candidate. If one or more of the districts is denied as a candidate for school attendance by**
15 **the unaccredited district's students, the unaccredited district shall repeat the process**
16 **outlined in this section until there are five candidate districts. Once five candidate districts**
17 **have been determined, the board of education for the unaccredited school district shall**
18 **hold a meeting at which parents of pupil residents will have the opportunity to vote on**
19 **which district they would like their child transported. Each pupil will represent one vote,**
20 **to be given by either parent. The top two candidate districts receiving the most votes shall**
21 **be the districts to which pupil residents from the unaccredited school district shall be**
22 **transported.**

23 **4. Transportation for pupils whose tuition the district of residence is required to pay by**
24 **section 167.131 or who are assigned [as provided in] under section 167.121 shall be provided**
25 **by the district of residence; however, in the case of pupils covered by section 167.131, the district**
26 **of residence shall be required to provide transportation only to school districts accredited by the**
27 **state board of education pursuant to the authority of the state board of education to classify**
28 **schools as established [in] under section 161.092 and those school districts designated by the**
29 **board of education of the district of residence.**

 Section B. Because immediate action is necessary to ensure that every student in this
2 state is able to attend a free public school as required by the Missouri Constitution, the repeal and

3 reenactment of section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and the repeal and reenactment of section A of this act shall be
6 in full force and effect upon its passage and approval.

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