

SECOND REGULAR SESSION

# HOUSE BILL NO. 1084

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MCCAHERTY (Sponsor), DIEHL,  
ENGLISH AND WHITE (Co-sponsors).

4041L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 167.121, RSMo, and to enact in lieu thereof one new section relating to school transfers.

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

Section A. Section 167.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.121, to read as follows:

167.121. 1. If the residence of a pupil is so located that attendance in the district of residence constitutes an unusual or unreasonable transportation hardship because of natural barriers, travel time, or distance, **or because of a condition or situation described in subsection 2 of this section**, the commissioner of education or his **or her** designee may assign the pupil to another district. Subject to the provisions of this section, all existing assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be continued or rescinded. The board of education of the district in which the pupil lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

2. **In addition to conditions established in subsection 1 of this section, the commissioner of education or his or her designee may assign a pupil to another district located closer to his or her residence if a financial, educational, safety, or health condition affecting the pupil would likely be reasonably improved as a result of a transfer or if there is a special hardship or detrimental condition.**

3. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or a district that has scored either unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual

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.

17 performance reports may enroll the parent's or guardian's child in the Missouri virtual school  
18 created in section 161.670 provided the pupil first enrolls in the school district of residence. The  
19 school district of residence shall include the pupil's enrollment in the virtual school created in  
20 section 161.670 in determining the district's average daily attendance. Full-time enrollment in  
21 the virtual school shall constitute one average daily attendance equivalent in the school district  
22 of residence. Average daily attendance for part-time enrollment in the virtual school shall be  
23 calculated as a percentage of the total number of virtual courses enrolled in divided by the  
24 number of courses required for full-time attendance in the school district of residence.

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

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

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

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