

**Policy JCC-1: TRANSFERS OUTSIDE THE DISTRICT**

Status: DRAFT

Original Adopted Date: 05/18/2017

**20A UPDATE EXPLANATION**

MSBA has revised this policy to reflect the changes brought about by House Bill 604. This bill addresses the ability of students in districts the Department of Elementary and Secondary Education (DESE) has designated as unaccredited to transfer to schools outside the district. MSBA believes that these provisions will be rarely used by most districts because most districts are not classified as unaccredited. However, there is always that chance. The following are the highlights of the new law.

If there is not a school within the unaccredited district that a student may transfer to, the student may apply to DESE to transfer to a school in an accredited district with an annual performance report (APR) score consistent with a classification of accredited that is located in the same or an adjoining county or an approved charter school located in the same or an adjoining county.

If a student is eligible to begin kindergarten or first grade at a school located within an unaccredited district that has an APR score consistent with a classification of unaccredited that also offers classes above the second-grade level, the student may apply to DESE for a transfer to a school in an accredited district located in the same or an adjoining county or an approved charter school located in the same or an adjoining county. The student must have resided in the school's attendance area on March 1 preceding the school year of first attendance. Otherwise, the student must enroll in the unaccredited district and attend for one semester before transferring.

A student's transfer cannot result in a class size and assigned enrollment that exceeds the Missouri School Improvement Program's standards, and the student must meet enrollment criteria if the school is a magnet school or a selective school. Receiving school districts are not required to hire additional classroom teachers or to construct additional classrooms.

The tuition the unaccredited district must pay to the receiving district is limited to the lesser of the tuition set by the receiving district or the state adequacy target plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district. The unaccredited district will pay the costs for providing special education and related services if the costs exceed the tuition.

DESE will determine to which school districts or approved charter schools the sending district will provide transportation.

DESE is responsible for collecting information from eligible receiving districts and charter schools and providing information and assistance to parents/guardians. DESE will also assign students who seek to transfer to an accredited district or charter school based on set criteria.

DESE may deny a transfer to a student who has been suspended from school two or more times in the most recent school year or who has been suspended for an act of school violence as defined in law. However, a student may be allowed to transfer on a probationary basis subject to no further disruptive behavior.

Students who move from an attendance area or withdraw from a school they transferred to will lose eligibility to transfer.

If a school district regains accreditation or a school's APR score improves to be consistent with a classification of provisionally accredited or accredited, a student who has transferred to another district or approved charter school may remain to complete middle school, junior high school or high school, whichever occurs first.

DESE will compile and maintain student performance data scores of all students who transfer under the new law.

*(K-12 Districts)*

The Platte County R-3 School District provides an excellent education to students within the boundaries of the district, near the students' homes and families, and therefore does not encourage or support interdistrict transfers outside the district except in the following situations.

## Specialized Services

On occasion, students with disabilities require specialized services that are not offered in the Platte County R-3 School District or are more efficiently offered in another district. In those situations, and at the discretion of the district, the district may contract with another district to provide the necessary services to the student. The student will stay enrolled in the Platte County R-3 School District.

## Residential Placements in other Districts

When a resident student of the Platte County R-3 School District is placed in programs or facilities in another district by the Missouri Department of Mental Health, the Department of Social Services or a court order, and the placement results in the student living in a different district, the student is still considered a resident of the Platte County R-3 School District, but the district in which the student is living is responsible for educating the student. The Platte County R-3 School District will pay the educating district an amount equal to the average sum produced per child by the Platte County R-3 School District's local tax effort.

## Homeless Students and Students in Foster Care

In accordance with law, when it is in the best interest of a student who is in foster care or identified as homeless to attend his or her school of origin and that school is in another district, the Platte County R-3 School District will assist the other district with the transfer and provide transportation when required to do so.

## Transfers Due to Accreditation Status

In accordance with law, if the Missouri State Board of Education declares the Platte County R-3 School District unaccredited, any student who is eligible to transfer but is not able to do so within the district may apply to the Department of Elementary and Secondary Education (DESE) to transfer to an eligible attendance center located within an accredited district in the same county as Platte County R-3 School District or an adjoining county or an eligible charter school located within the same county as the Platte County R-3 School District or an adjoining county. The district will pay tuition to the receiving school district or charter school and will provide transportation to at least one receiving school district or charter school designated by DESE.

## Loss of Accreditation

In accordance with law, if the Missouri State Board of Education declares the Platte County R-3 School District unaccredited, the district will pay the tuition for resident students to attend an accredited Missouri public school or an approved charter school in the same county as the Platte County R-3 School District or an adjoining county. The student must be currently enrolled in the Platte County R-3 School District or the parent/guardian must first register with the district and verify residence in the district. The parents/guardians must notify the Platte County R-3 School District annually by February 1, in writing and on a form provided by the district, that they are seeking transfer of the student to another district. The Platte County R-3 School District will not recognize the transfer or pay tuition for the transfer unless these steps are followed. All parents/guardians of transfer students under this section must annually verify residence with the Platte County R-3 School District before the district will recognize the transfer.

In accordance with law, the district will designate one or more accredited districts or approved charter schools to which the district will provide transportation. Parents/Guardians seeking to send a student to an eligible accredited district or approved charter school to which the Platte County R-3 School District does not provide transportation are responsible for providing the student's transportation, but the district will pay the tuition.

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

§167.126, RSMo

### Description

State Statute - <https://simbli.eboardsolutions.com/SU/slashVClYWU73Tdpv4JZYxrPDw==>

§167.131, RSMo

State Statute - <https://simbli.eboardsolutions.com/SU/slashVClYWU73Tdpv4JZYxrPDw==>

§167.132, RSMo	State Statute - <a href="https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==">https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==</a>
§167.241, RSMo.	State Statute - <a href="https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==">https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==</a>
§167.895, RSMo	State Statute - <a href="https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==">https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==</a>
§167.898, RSMo	State Statute - <a href="https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==">https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==</a>
MO COURT	Breitenfeld v. Sch. Dist. of Clayton, 399 S.W.3d 816 (Mo. 2013) - <a href="https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwEoCYu2lOw==">https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwEoCYu2lOw==</a>

### Federal References

20 U.S.C. § 1400-1417	Individuals with Disabilities Education Act - <a href="https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==">https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==</a>
29 U.S.C. § 794	Section 504 of the Rehabilitation Act of 1973 - <a href="https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==">https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==</a>
34 C.F.R Part 104	Section 504 of the Rehabilitation Act of 1973 - <a href="https://simbli.eboardsolutions.com/SU/aJX5mfZD1pluss1btjfsIshfEmXA==">https://simbli.eboardsolutions.com/SU/aJX5mfZD1pluss1btjfsIshfEmXA==</a>
34 C.F.R Part 300	Individuals with Disabilities Education Act - <a href="https://simbli.eboardsolutions.com/SU/aJX5mfZD1pluss1btjfsIshfEmXA==">https://simbli.eboardsolutions.com/SU/aJX5mfZD1pluss1btjfsIshfEmXA==</a>
42 U.S.C. §§ 11431-11435	McKinney - Vento Homeless Children's Assistance Act - <a href="https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==">https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==</a>

### Cross References

IGBA-1	SPECIAL EDUCATION - <a href="https://simbli.eboardsolutions.com/SU/oXlfQAifzVeYnjf3DRznKA==">https://simbli.eboardsolutions.com/SU/oXlfQAifzVeYnjf3DRznKA==</a>
IGBA-1-AP(1)	SPECIAL EDUCATION - (Services for Incarcerated Youth) - <a href="https://simbli.eboardsolutions.com/SU/plusjLgXVB26UqpluskSu94BRMXw==">https://simbli.eboardsolutions.com/SU/plusjLgXVB26UqpluskSu94BRMXw==</a>
IGBA-1-AP(2)	SPECIAL EDUCATION - (Evaluation Criteria for District and Independent Evaluations) - <a href="https://simbli.eboardsolutions.com/SU/xXMveUgf3enlXMVIEGFtXg==">https://simbli.eboardsolutions.com/SU/xXMveUgf3enlXMVIEGFtXg==</a>
IGBCA	PROGRAMS FOR HOMELESS STUDENTS - <a href="https://simbli.eboardsolutions.com/SU/1QwEwjy0Wslshrj1lqEAwsk8w==">https://simbli.eboardsolutions.com/SU/1QwEwjy0Wslshrj1lqEAwsk8w==</a>
IGBE-1	STUDENTS IN FOSTER CARE - <a href="https://simbli.eboardsolutions.com/SU/sBVlp6yhQq584Xe2UFplusgA==">https://simbli.eboardsolutions.com/SU/sBVlp6yhQq584Xe2UFplusgA==</a>
IGBE-1-AP(1)	STUDENTS IN FOSTER CARE - (Dispute Resolution Process) - <a href="https://simbli.eboardsolutions.com/SU/6NO1UTBB8QtFZKtoslshl7AEw==">https://simbli.eboardsolutions.com/SU/6NO1UTBB8QtFZKtoslshl7AEw==</a>