

Policy DFI-2: SETTING TUITION FOR DISTRICT PROGRAMS

Status: DRAFT

Original Adopted Date: 12/16/2020

**24B UPDATE
EXPLANATION**

House Bill 447 (2023) has expanded state statute to allow the district to bill tuition back to resident school districts when a nonresident student is placed in a residential psychiatric facility located in the district.

If your district would like assistance in billing back resident districts for education provided to students who are publicly placed in your district or who are now in psychiatric facilities in your district, please consider MSBA's Local Tax Effort program. For more information, contact Theresa Bielawski at bielawski@mosba.org or 314-332-1185.

(District Allows Nonresident Students to Enroll and Attend Only When Required by Law)

The Smithville R-II School District School Board recognizes that there are situations where nonresident students and residents who are not otherwise entitled to free education may be allowed by law to attend the Smithville R-II School District or district programs on a tuition basis. In these situations, the board will set tuition in an amount that, minimally, recoups the costs of the program and meets any applicable legal requirements.

The superintendent will make recommendations to the board annually to set tuition rates for the following year. The board will set all applicable tuition rates no later than February 1.

Per-Pupil Cost

When used in this policy, "per-pupil cost" refers to the cost of maintaining the district's grade-level grouping in the school the student will attend divided by the average daily pupil attendance. In no case will the per-pupil cost exceed the amounts spent for teachers' wages, incidental purposes, debt service, maintenance, and replacements. The term "debt service" means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. The per-pupil cost may be offset by any state or federal funding received for the attendance of the nonresident student.

Collecting Tuition

The board expects the superintendent or designee to take action to minimize delinquent or uncollected tuition payments including, but not limited to, securing binding contracts with the persons responsible for paying tuition and requiring prepayment of tuition from individuals when appropriate. If a party is delinquent in payment, the board authorizes the superintendent or designee to contact the district's attorney and take all available legal action to recoup tuition payments owed to the district. Unless otherwise prohibited by law, the district may exclude students from the district's education programs after the responsible party is notified of the delinquency and given a reasonable amount of time to pay the district.

Early Childhood Tuition (§ 161.213, RSMo.)

The tuition for any district-operated early childhood programs that charge tuition will be set at the per-pupil cost of maintaining the early childhood program.

Summer School Tuition (§ 167.227, RSMo.)

The district has the option of charging tuition for nonresidents to attend its summer school program. If the district selects this option, tuition will be set at the per-pupil cost of operating the summer school program.

Career and Technical Education Tuition (§ 178.510, RSMo.)

If the district has a career and technical education program open to neighboring districts, the district may contract to provide those services to students in other districts and will charge those districts tuition set at the per-pupil cost of the program.

Disputes between the Smithville R-II School District and the student's resident district may be submitted to the State

Board of Education for resolution.

Tuition for Children Placed in the District (§ 167.126, RSMo.)

For nonresident students placed by the Department of Mental Health, the Department of Social Services (DSS), or a court order in facilities or programs located within the district or who temporarily reside (for more than three days) in a children's hospital or psychiatric residential treatment facility located in the district, the Smithville R-II School District will charge the student's resident district tuition equal to the average sum produced per student by the local tax efforts of the student's resident district. A special school district will pay the average sum produced per child by the local tax efforts of the domiciliary districts. If the resident district fails to pay the appropriate amount to this district within 90 days of billing, this district will notify the Department of Elementary and Secondary Education (DESE) so that the appropriate amounts may be withheld from the resident district's state aid and paid to the Smithville R-II School District. In addition, the district may receive payments from DESE in lieu of receiving the local tax effort from the domiciliary district in some situations.

The district will seek additional payments from DESE for students placed in programs or facilities operated by the Department of Mental Health, DSS, or a court or placed by DSS or a court into a publicly contracted residential site in Missouri when the per-pupil costs of the education services provided to the student exceed the amounts received from the student's resident district.

Tuition Charged to K-6 or K-8 School Districts (§ 167.131, RSMo.)

For students who enroll in the Smithville R-II School District because they reside in a school district located in the same county as the Smithville R-II School District or an adjoining county that does not provide education through grade 12, the district will set tuition at the per-pupil cost of maintaining the district's grade-level grouping in the school the student will attend, which will be charged to the student's resident school district as required by law. Disputes between this district and the student's resident district may be submitted to the State Board of Education for resolution.

Tuition for Students of Nonresident Taxpayers to the District (§ 167.151, RSMo.)

A parent/guardian who pays a school tax in the Smithville R-II School District may receive as a credit on the amount charged for tuition the amount of school tax paid to the district. The deduction will be prorated among the number of students per family attending the district's schools. The tuition will be set at the per-pupil cost of maintaining the district's grade-level grouping in the school the student will attend.

The parent/guardian must submit a tax statement to the superintendent or designee before a student will be admitted. The district and the parent/guardian will enter into a contract outlining the payment schedule for any remaining tuition owed. Attendance will not begin until the parent/guardian makes the first payment, and the district may remove a student from attendance if the parent/guardian is delinquent with tuition payments.

Tuition Charged for Two-Year College Courses (§§ 178.370 - .400, RSMo.)

If the district establishes a program for two-year college courses as allowed by law, the district may charge tuition to enroll in such courses to all nonresident students as well as resident students who are ineligible for free education. The tuition will be set at the per capita costs of the courses. Tuition may be paid by individual students or the school district of residence.

Tuition for Night School (§ 178.290, RSMo.)

If the district establishes a night school as allowed by law, the district will charge tuition to all nonresident students and any resident students who are ineligible for free education. The tuition will be set at a rate that recoups the costs associated with the program.

Tuition for Students Assigned with a Hardship Transfer (§§ 167.121, .125, RSMo.)

If the commissioner of education assigns a nonresident student to the district due to a transportation hardship under § 167.121, RSMo., the district will enroll the student and charge the student's resident district the pro rata cost of instruction for the student. If the commissioner of education assigns a student living in St. Elizabeth, St. Albans, or Maries County to the district under § 167.125, RSMo., the school district of residence will pay the Smithville R-II

School District the pro rata cost of instruction. However, if the Smithville R-II School District's tuition is greater than the tuition of the student's school district of residence, the student's parent/guardian will pay the difference in tuition.

Tuition Charged for Transfers from Unaccredited School Districts (§§ 167.132, .895, RSMo.)

In situations where DESE assigns students residing in an unaccredited district to be educated in the Smithville R-II School District, the board will set tuition in accordance with law that will be either the state adequacy target plus the average sum produced per child by the sending district's local tax effort or a lesser amount as determined by the board.

If costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount set by the board, the unaccredited district will pay the excess cost to the Smithville R-II School District. For districts served by a special school district, the unaccredited district will contract directly with the special school district for special education and related services.

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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

	Description
§ 161.125, RSMo.	State Statute
§ 161.131, RSMo.	State Statute
§ 161.132, RSMo.	State Statute
§ 161.151, RSMo.	State Statute
§ 161.213, RSMo.	State Statute
§ 161.227, RSMo.	State Statute
§ 161.895, RSMo.	State Statute
§ 167.121, RSMo.	State Statute
§ 167.126, RSMo.	State Statute
§ 168.151, RSMo.	State Statute
§ 171.131, RSMo.	State Statute
§ 171.370-.400, RSMo.	State Statute
§ 178.290, RSMo.	State Statute
§ 178.510, RSMo.	State Statute

Cross References

	Description
IHB	CLASS SIZE
JEC	SCHOOL ADMISSIONS
JECA-AP(1)	ELIGIBILITY TO ENROLL - (Foreign Exchange Students)
JECA-2	ELIGIBILITY TO ENROLL