



GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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June 27, 2012

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 entitled:

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.

I disapprove of Senate Committee Substitute for House Committee Substitute for House Bill No. 1789. My reasons for disapproval are as follows:

Existing law already establishes a reasoned process by which a pupil can be reassigned to another school district if the student's residence "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." These requests are governed by detailed regulations promulgated by the Department of Elementary and Secondary Education with the discretion to grant a request vested in the Commissioner of Education. The existing process has statewide application and has resulted in students being granted transportation hardships.

Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 would deviate from this statewide approach by establishing a substantially different standard for transportation hardship requests submitted on behalf of pupils from three communities specifically described in the legislation. In contrast to current law, the new standard would mandate approval based solely on mileage without regard to whether a particular student's circumstance constitutes a "hardship."

This bill violates the Hancock Amendment by imposing an unfunded mandate on resident school districts affected by the new standard. This new standard does not require an applicant establish a transportation hardship but rather focuses exclusively on differences in driving distance. Students permitted to transfer under this new standard impose a new or increased activity on their resident school district which will be responsible for the cost of tuition in the receiving

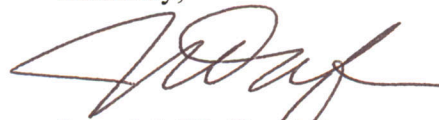
school district. This is particularly problematic when the cost of tuition exceeds the per pupil state aid received by the resident school district.

In addition, the driving distance between a pupil's residence and the "attendance center" in both the resident school district and the proposed receiving school district is a critical component to the new standard. However, the term "attendance center" is undefined in Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 creating a real and practical inability to implement the new standard. For instance, the school administration building, the school the pupil would attend or the geographic center of the school district could all constitute the "attendance center."

Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 also makes permanent all transportation hardships previously granted by the Commissioner of Education. Under this provision, the Commissioner of Education would no longer be able to terminate a previously granted hardship assignment due to improvements in transportation circumstances implemented by a resident school district. The elimination of periodic reviews by the Commissioner of Education will unnecessarily extend the financial strain on an affected resident school district that has implemented appropriate steps to address a transportation issue.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Committee Substitute for House Bill No. 1789 without my approval.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay Nixon", with a stylized, flowing script.

Jeremiah W. (Jay) Nixon
Governor