

MEMO TO: BOARD MEMBERS

FROM: JOHN SIMPSON

DATE: FEBRUARY 24, 2017

RE: STUDENTS FROM THE RIVERVIEW GARDENS SCHOOL DISTRICT

At an earlier board meeting, the decision was made to allow the existing students enrolled here from the Riverview Gardens School District to finish the 16-17 school year at a reduced rate (VICC rate of \$7,000 per student) if the RGSD regained provisional accreditation. That evening, the board initiated discussions regarding how long the district would allow the students to attend the WGSD following the 16-17 school year. Shortly after that meeting, the RGSD shared a draft MOU with all receiving school districts with proposed plans for the remainder of the school year and subsequent years should they regain accreditation.

On January 4, 2017, the Riverview Gardens School District regained provisional accreditation. At this point, the WGSD must decide whether or not the children from the Riverview Gardens School District can remain in the district beyond the 16-17 school year, and if yes, for how long. The draft MOU shared by the Riverview Gardens School District does provide a "Transition Plan" that would allow those currently attending to remain in the WGSD for a particular period of time or when "a natural shift to the next grade span."

Doug Copeland, district legal counsel, reviewed the agreement and offered these thoughts:

- When talking about eligible students, we may want to talk about students enrolled in the "Receiving District" as of the date of the agreement, rather than students enrolled and having attended "during the 2016-17 school year." The enrolled/attended language would include a student who was enrolled and attended last year, but left in the middle or at the end of the first semester.
- Section 3 should be revised since the State Board has acted and the RGSD is provisionally accredited.
- We may or may not want to revise section 4 to incorporate the concept of the 6th Grade Center. In addition, the Schedule A matrix doesn't take into account our 6th Grade Center.
- Since we have never had to provide transportation for the students from the RGSD, we might eliminate section 6.
- In section 7, he would change the sentence that the Plan "does not extend to siblings of qualified Transfer Students who did not attend a school" to "does not extend to siblings of qualified Transfer Students *if the siblings* did not attend a school."

RECOMMENDED BOARD ACTION.... action requested.

MEMORANDUM OF UNDERSTANDING
TRANSFER STUDENT TRANSITION PLAN

This Memorandum of Understanding (“MOU”) is made and entered into as of the date below between the Riverview Gardens School District and the [REDACTED] (“the Receiving District”) (collectively referred to as “the Parties”).

WHEREAS, Riverview Gardens School District lost its accreditation in 2007 and lapsed on June 30, 2010, the State Board of Education appointed the Special Administrative Board to govern Riverview Gardens School District beginning on July 1, 2010; and

WHEREAS, on June 11, 2013, the Supreme Court of Missouri decided *Breitenfeld v. School District of Clayton*, 399 S.W.3d 816 (Mo. 2013), confirming the Court’s decision in *Turner v. School District of Clayton*, 318 S.W.3d 660 (Mo. 2010), which held that students residing within the boundaries of an unaccredited school district could transfer to accredited school districts in the same or an adjoining county, pursuant to Mo. Rev. Stat., § 167.131, allowing students who reside within the boundaries of Riverview Gardens School District to enroll and attend schools within the Receiving District (such students are hereinafter referred to as “Transfer Students”); and

WHEREAS, the Receiving District began enrolling the Transfer Students for the 2013-2014 school year and continued to educate the Transfer Students during the fall semester of the 2016-2017 school year; and

WHEREAS, if the Missouri State Board of Education votes to reclassify the Riverview Gardens School District as provisionally accredited, the Transfer Students would no longer have the statutory right, pursuant to Mo. Rev. Stat., § 167.131, to transfer to and attend school within the Receiving District; and

WHEREAS, the Parties wish to establish a Transition Plan for the Transfer Students to remain in the Receiving Districts in which they are currently enrolled and attending school for the periods of time as described below to allow for continuity in educational services; and

WHEREAS, the Special Administrative Board of Riverview Gardens School District has statutory authorization, pursuant Mo. Rev. Stat. § 162.081(5), to enter into contracts with an accredited school district to provide programs to the residents of the district; and

NOW THEREFORE, with the approval of the Special Administrative Board of Riverview Gardens School District and the Board of Education of the Receiving District, the Parties agree to the following terms of the Transition Plan, contingent upon the Missouri State Board of Education voting to accredit the Riverview Gardens School District, effective in January 2017:

1. The Receiving District agrees to continue to enroll the Transfer Students who qualify for participation and continued enrollment under this MOU. Qualifications for participation in the Transition Plan are established below in Paragraph 2.

2. A student will be qualified to participate in the Transition Plan set forth herein if:
 - (a) The student currently resides, and will continue to reside during the term of the Transition Plan, within the boundaries of Riverview Gardens School District and can provide proof of such residency to Riverview Gardens School District during each year the student is participating in the Transition Plan; and
 - (b) The student was enrolled in and has attended a school within the Receiving District as a Transfer Student during the 2016-2017 school year.

3. If Riverview Gardens School District's provisional accreditation is effective in January 2017, qualified students will be authorized to continue to enroll and attend a school within the Receiving District for the spring semester of the 2016-2017 school year.

4. After completion of the 2016-2017 school year, qualified students will be authorized to continue to enroll and attend school within the Receiving District for three (3) subsequent academic school years or until the student reaches a natural shift to the next grade span (i.e., moving from elementary school to middle school or from middle school to high school), whichever timeline is shorter, except as follows:

- (a) Those qualified Transfer Students who were in the 5th grade during the 2016-2017 school year, who would move to a middle school within the Receiving District for the 2017-2018 school year, will be allowed to remain in the Receiving District for up to three years (i.e. through the conclusion of 8th grade), as long as they remain qualified to participate in the Transition Plan.
- (b) Those qualified Transfer Students who were in the 8th grade during the 2016-2017 school year, who would move to a high school within the Receiving District for the 2017-2018 school year, will be allowed to remain in the Receiving District throughout their senior year until graduation, as long as they remain qualified to participate in the Transition Plan.

For purposes of this section, "elementary school" is defined as Kindergarten through grade 5, "middle school" is defined as grade 6 through grade 8, and "high school" is defined as grade 9 through grade 12. A matrix outlining the timeline for participation in the Transition Plan for qualified Transfer Students is attached hereto as Schedule A and incorporated herein by reference.

5. As consideration for continued enrollment of qualified students under this MOU Transition Plan:

- (a) Riverview Gardens School District will pay to the Receiving District state allocated funds (no local funding) in exchange for educational services and programs in an amount up half of the amount described in paragraph 5(b) below per student, which will be calculated based on Average Daily Attendance during the spring semester of the 2016-2017 school year.
- (b) For all subsequent academic school years described in this MOU, Riverview Gardens School District will pay to the Receiving District state allocated funds (no local funding) in exchange for educational services and programs in an amount up to Seven Thousand Dollars and 00/100 (\$7,000.00) per student, which will be calculated based on Average Daily Attendance.

6. The Parties agree that Riverview Gardens School District will not be responsible for providing transportation or the equivalent cost of transportation for qualified students who wish to participate in this Transition Plan, except that if Riverview Gardens School District's provisional accreditation becomes effective in January 2017, Riverview Gardens School District will provide transportation for qualified students to either Mehlville School District or Kirkwood School District for the spring semester of the 2016-2017 school year.

7. Only students who attended a school within the Receiving District during the 2016-2017 school year as Transfer Students will be allowed to participate in the Transition Plan set forth herein. Students who applied for transfer, but did not attend a school within the Receiving District are not qualified to participate in the Transition Plan. Transfer students who enrolled in and attended a school within the Receiving District for the fall semester of the 2016-2017 school year, but moved out of the Riverview Gardens School District prior to the full execution of this MOU are not qualified to participate in the Transition Plan. Additionally, the Transition Plan does not extend to siblings of qualified Transfer Students who did not attend a school within the Receiving District during the fall semester of the 2016-2017 school year. Hence, in certain instances, families may have siblings who are qualified to continue attending a school within the Receiving District during the Transition Plan, while other siblings may not be qualified to participate in the Transition Plan.

8. Following the 2016-2017 school year, the Parties agree to continue this MOU for the 2017-2018 school year, the 2018-2019 school year, the 2019-2020 school year and the 2020-2021 school year for qualified students in the 8th grade in the 2016-2017 school year or until such time as there are no remaining Transfer Students qualified to participate in the Transition Plan, as described in Paragraphs 2, 3, and 4.

9. If, during the term of this MOU, either party wishes to discontinue its participation in the Transition Plan for the following academic school year, the withdrawing party must provide written notice to the other party no later than sixty (60) days prior to the end

of the then current academic school year to allow for timely notice to be provided to students participating in the Transition Plan and their families.

10. Any and all amendments or modifications to this MOU must be in writing, approved by both the Special Administrative Board of Riverview Gardens School District and the Board of Education of the Receiving District, and signed by the Parties.

IN WITNESS WHEREOF, as indicated by the signatures below, the Parties state that this MOU has been approved by the Riverview Garden School District's Special Administrative Board and the Receiving District's Board of Education, and the Parties hereby agree to be bound by the terms and conditions set forth above.

RIVERVIEW GARDENS SCHOOL DISTRICT

Dr. Lynn Beckwith, Jr., Chair
Special Administrative Board

Date

Attest: _____
Dr. Mark Tranel, Secretary/Treasurer
Special Administrative Board

Date

[INSERT RECEIVING DISTRICT]

[Name of Board President], President
Board of Education

Date

Attest: _____
[Name of Board Secretary], Secretary
Board of Education

Date

SCHEDULE A
MATRIX OF STUDENT PARTICIPATION IN THE TRANSITION PLAN (“TP”)

2016-2017 Grade Level	2017-2018 School Year	2018-2019 School Year	2019-2020 School Year	2020-2021 School Year
K	1	2	3	No longer qualified to participate in TP
1	2	3	4	No longer qualified to participate in TP
2	3	4	5	No longer qualified to participate in TP
3	4	5	No longer qualified to participate in TP*	
4	5	No longer qualified to participate in TP*		
5	6	7	8	No longer qualified to participate in TP
6	7	8	No longer qualified to participate in TP	
7	8	No longer qualified to participate in TP		
8	9	10	11	12
9	10	11	12	
10	11	12		
11	12			

* Presumes Receiving District has a middle school for grades 6 through 8.