

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 473, Page 23, Section 160.425, Line 47, by  
2 inserting after all of said section and line the following:

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4 “167.131. 1. The board of education of each district in this state that does not maintain an  
5 accredited school for specific grade levels pursuant to the authority of the state board of education to  
6 classify schools as established in section 161.092 shall pay [the] tuition [of] as calculated by the  
7 receiving district under subsection 2 of this section and provide transportation consistent with the  
8 provisions of section 167.241 for each pupil resident therein who attends an accredited public school  
9 in another district of the same or an adjoining county.

10 2. The rate of tuition to be charged by the district attended and paid by the sending district is  
11 the per pupil cost of maintaining the district's grade level grouping which includes the school  
12 attended. The cost of maintaining a grade level grouping shall be determined by the board of  
13 education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental  
14 purposes, debt service, maintenance and replacements. The term "debt service", as used in this  
15 section, means expenditures for the retirement of bonded indebtedness and expenditures for interest  
16 on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing  
17 the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is  
18 disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of  
19 education, and its decision in the matter shall be final. Subject to the limitations of this section, each  
20 pupil shall be free to attend the public school of his or her choice.

21 3. The board of education of each district in this state that has been declared unaccredited  
22 pursuant to the authority of the state board of education as established in section 161.092 shall pay  
23 tuition and provide transportation consistent with the provisions of section 167.241 for each pupil  
24 resident therein who meets the criteria of this subsection and subsection 4 of this section. A pupil  
25 from an unaccredited district may attend a school in another district of the same or an adjoining  
26 county if the receiving district is accredited without provision and if the pupil has been enrolled in  
27 and attending a public school in the district during the school year when such declaration is made, or  
28 has enrolled and attended in the unaccredited district in school years subsequent to the year in which  
29 the declaration is made. Pupils who reside in the unaccredited district who become eligible for  
30 kindergarten or first grade in a school year after the effective date of this section are also eligible to

1 transfer. The rate of tuition to be charged by the district attended and paid by the sending district  
2 shall be the lesser of the nonresident tuition established by each district under subsection 2 of this  
3 section or, in the absence of an established nonresident tuition, the lesser of the two districts' average  
4 expenditure per pupil for the most recently completed year for which data are available. The  
5 residence district shall pay the cost of education in the receiving district, under section 162.705, for  
6 any resident student with an individualized education plan who is accepted in the receiving district.

7 4. By June 30, 2011, each school district shall establish specific criteria through board policy  
8 for the admission of nonresident pupils from districts that have been classified as unaccredited by the  
9 state board of education who seek admission into a school district under subsection 3 of this section.  
10 The primary criteria shall be the availability of highly qualified teachers in existing classroom space.  
11 Each district shall establish criteria for calculating available seats that take into account the district's  
12 resident student population growth or decrease, based on demographic projections provided by the  
13 office of socioeconomic data analysis, such that the receiving district shall not be required to employ  
14 additional teachers or construct new classrooms to accommodate such transfer pupils. No resident  
15 pupil shall be displaced from a school to which he or she would otherwise be assigned to  
16 accommodate the admission of a nonresident pupil. The assignment of a student to a particular  
17 building shall be the decision of the receiving district.

18 5. Once a student from an unaccredited district has been accepted under subsections 3 and 4  
19 of this section, the student may complete the educational program in the building to which he or she  
20 has been assigned even if the student's residence district has regained its accreditation. Upon a  
21 student's transition from an educational program in the building to which the student was assigned to  
22 an educational program in a different building, if the student's residence district has regained  
23 accreditation, the student shall return to the residence district to begin the next educational program.

24 6. Subject to the limitations of this section and section 167.020, each pupil shall be free to  
25 attend the public school of his or her choice.

26 Section B. Because immediate action is necessary to clarify the enrollment options of  
27 students in unaccredited districts prior to the commencement of the 2011-2012 school year, the repeal  
28 and reenactment of section 167.131 of section A of this act is deemed necessary for the immediate  
29 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
30 emergency act within the meaning of the constitution, and the repeal and reenactment of section  
31 167.131 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references  
34 accordingly.