

SECOND REGULAR SESSION

SENATE BILL NO. 456

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4367S.011

AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to student transfers, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 167.131, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 167.131, to read as follows:

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 submitted to the state board of education, and its decision in the matter shall be
21 final. Subject to the limitations of this section, each pupil shall be free to attend
22 the public school of his or her choice.

23 **3. The board of education of each district in this state that has**
24 **been declared unaccredited pursuant to the authority of the state board**
25 **of education as established in section 161.092 shall pay tuition and**
26 **provide transportation consistent with the provisions of section 167.241**
27 **for each pupil resident therein who meets the criteria of this**
28 **subsection and subsection 5 of this section. A pupil from an**
29 **unaccredited district may attend a school in another district of the**
30 **same or an adjoining county if the receiving district is accredited**
31 **without provision and if the pupil has been enrolled in and attending**
32 **a public school in the district during the school year when such**
33 **declaration is made, or has enrolled and attended in the unaccredited**
34 **district in school years subsequent to the year in which the declaration**
35 **is made. Any district that receives transfer students under subsections**
36 **3 to 7 of this section shall not be required to include those student's**
37 **scores on the statewide assessment in that district's scores for three**
38 **years. Pupils who reside in the unaccredited district who become**
39 **eligible for kindergarten or first grade in a school year after the**
40 **effective date of this section are also eligible to transfer. The rate of**
41 **tuition to be charged by the district attended and paid by the sending**
42 **district shall be the lesser of the nonresident tuition established by**
43 **each district under subsection 2 of this section or, in the absence of an**
44 **established nonresident tuition, the lesser of the two districts' average**
45 **expenditure per pupil for the most recently completed year for which**
46 **data are available. The residence district shall pay the cost of**
47 **education in the receiving district, under section 162.705, for any**
48 **resident student with an individualized education program who is**
49 **accepted in the receiving district.**

50 **4. Before a pupil who currently attends a public school in an**
51 **unaccredited district may attend a public school in an accredited**
52 **district in the same or an adjoining county under subsection 3 of this**
53 **section, the unaccredited district shall determine if it has sufficient**
54 **capacity in a school offering the student's grade level of enrollment**
55 **that is a magnet school or a school with an open admissions policy and**
56 **that has met standards on its annual performance report equivalent to**

57 the classification of accredited under the Missouri school improvement
58 program for the previous school year. If such capacity exists, the
59 student shall remain enrolled in the unaccredited district attending
60 such school, provided the student meets the school's regular admissions
61 criteria.

62 5. By June 30, 2012, each school district shall establish specific
63 criteria through board policy for the admission of nonresident pupils
64 from districts that have been classified as unaccredited by the state
65 board of education who seek admission into a school district under
66 subsection 3 of this section. The primary criteria shall be the
67 availability of highly qualified teachers in existing classroom
68 space. Each district shall establish criteria for calculating available
69 seats that take into account the district's resident student population
70 growth or decrease, based on demographic projections provided by the
71 office of socioeconomic data analysis, such that the receiving district
72 shall not be required to employ additional teachers or construct new
73 classrooms to accommodate such transfer pupils. No resident pupil
74 shall be displaced from a school to which he or she would otherwise be
75 assigned to accommodate the admission of a nonresident pupil. The
76 assignment of a student to a particular building shall be the decision
77 of the receiving district.

78 6. Once a student from an unaccredited district has been
79 accepted under subsections 3 and 5 of this section, the student may
80 complete the educational program in the building to which he or she
81 has been assigned even if the student's residence district has regained
82 its accreditation. Upon a student's transition from an educational
83 program in the building to which the student was assigned to an
84 educational program in a different building, if the student's residence
85 district has regained accreditation, the student shall return to the
86 residence district to begin the next educational program.

87 7. Subject to the limitations of this section and section 167.020,
88 each pupil shall be free to attend the public school of his or her choice.

Section B. Because immediate action is necessary to clarify the enrollment
2 options of students in unaccredited districts prior to the commencement of the
3 2012-2013 school year, section A of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace, and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,

6 and section A of this act shall be in full force and effect upon its passage and
7 approval.

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Unofficial

Bill

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