

FIRST REGULAR SESSION

HOUSE BILL NO. 763

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES STREAM (Sponsor), SCHARNHORST, DIEHL, KIRKTON,
HAEFNER, FUHR, BROWN (85) AND McNEIL (Co-sponsors).

1776L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 167.131, RSMo, and to enact in lieu thereof one new section relating to school enrollment options for students from unaccredited districts, 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Section A. Section 167.131, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.131, to read as follows: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 not maintain an accredited school **for specific grade levels** pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited **public** school in another district of the same or an adjoining county.

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 Subject to the limitations of this section, each pupil shall be free to attend the public school of
18 his or her choice.

19 **3. The board of education of each district in this state that has been declared**
20 **unaccredited pursuant to the authority of the state board of education as established in**
21 **section 161.092 shall pay tuition and provide transportation consistent with the provisions**
22 **of section 167.241 for each pupil resident therein who meets the criteria of this subsection**
23 **and subsection 4 of this section. A pupil from an unaccredited district may attend a school**
24 **in another district of the same or an adjoining county if the receiving district is accredited**
25 **without provision and if the pupil has been enrolled in and attending a public school in the**
26 **district during the school year when such declaration is made, or has enrolled and attended**
27 **in the unaccredited district in school years subsequent to the year in which the declaration**
28 **is made. Pupils who reside in the unaccredited district who become eligible for**
29 **kindergarten or first grade in a school year after the effective date of this section are also**
30 **eligible to transfer. The rate of tuition to be charged by the district attended and paid by**
31 **the sending district shall be the lesser of the nonresident tuition established by each district**
32 **under subsection 2 of this section or, in the absence of an established nonresident tuition,**
33 **the lesser of the two districts' average expenditure per pupil for the most recently**
34 **completed year for which data are available. The residence district shall pay the cost of**
35 **education in the receiving district, under section 162.705, for any resident student with an**
36 **individualized education plan who is accepted in the receiving district.**

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

49 **5. Once a student from an unaccredited district has been accepted under**
50 **subsections 3 and 4 of this section, the student may complete the educational program in**
51 **the building to which he or she has been assigned even if the student's residence district has**
52 **regained its accreditation. Upon a student's transition from an educational program in the**

53 **building to which the student was assigned to an educational program in a different**
54 **building, if the student's residence district has regained accreditation, the student shall**
55 **return to the residence district to begin the next educational program.**

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

Section B. Because immediate action is necessary to clarify the enrollment options of
2 students in unaccredited districts prior to the commencement of the 2011-2012 school year,
3 section A of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and section A of this act shall be in full force and effect upon its passage and
6 approval.

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