

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 581, Page 27, Section 160.425, Line 48,
2 by inserting after all of said line the following:

3
4 "161.238. 1. Notwithstanding any provision of chapter 536 and subdivisions (9) and (14) of
5 section 161.092 to the contrary, the state board of education shall adopt a policy to classify
6 individual attendance centers. By July 1, 2020, the state board of education shall, through
7 administrative rule, develop a system of classification that accredits attendance centers within a
8 district separately from the district as a whole. When the state board adopts its system, it shall
9 assign a classification designation to each attendance center, except for those attendance centers
10 that:

11 (1) Do not offer classes above the second grade level;

12 (2) Are public separate special education schools within a special school district and within
13 a school district;

14 (3) Are identified as juvenile detention centers within a special school district; and

15 (4) Are identified as alternative high schools.

16
17 The policy shall require that an attendance center's classification be based solely on a three-year
18 average of the attendance center's annual performance report scores using the three most recent
19 years. The state board of education may assign classification numbers outside the range of numbers
20 assigned to high schools, middle schools, junior high schools, or elementary schools as classification
21 designations for attendance centers that are exempt from the accreditation classification system.
22 While not applicable for the purpose of accreditation, a special school district, any attendance
23 centers of a special school district, and any other attendance center excluded under this section shall
24 continue to report all scores on its annual performance report to the department of elementary and
25 secondary education.

26 2. An attendance center that does not offer classes above the second grade level shall be
27 exempt from any requirements related to statewide assessments.

28 3. Notwithstanding the provisions of subdivision (9) of section 161.092, the rules and
29 regulations promulgated under this section shall be effective thirty days after publication in the code
30 of state regulations as provided in section 536.021 and shall not be subject to the two-year delay
31 contained in subdivision (9) of section 161.092.

32 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
33 under the authority delegated in this section shall become effective only if it complies with and is
34 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
35 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
36 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

Action Taken _____ Date _____

1 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 2 August 28, 2019, shall be invalid and void.

3 162.1310. If the state board of education classifies any district or attendance center as
 4 unaccredited, the district shall notify the parent or guardian of any student enrolled in the
 5 unaccredited district or unaccredited attendance center of the loss of accreditation within seven
 6 business days. The district shall also notify district taxpayers of the loss of accreditation within
 7 seven business days. The district's notice shall include an explanation of which students may be
 8 eligible to transfer, the transfer process under sections 167.825 to 167.827, and any services students
 9 may be entitled to receive as a result of the district or attendance center being classified as
 10 unaccredited. The district's notice shall be written in a clear, concise, and easy-to-understand
 11 manner. The district shall post the notice in a conspicuous and accessible place in each district
 12 attendance center. The district shall also send the notice to each municipality located within the
 13 boundaries of the district.

14 167.131. 1. The board of education of each district in this state that does not maintain [an
 15 accredited] a high school [pursuant to the authority of the state board of education to classify
 16 schools as established in section 161.092] offering work through the twelfth grade shall pay [the]
 17 tuition [of] as calculated by the receiving district or approved charter school under subsection 2 of
 18 this section and provide transportation consistent with the provisions of section 167.241 for each
 19 pupil resident therein who has completed the work of the highest grade offered in the attendance
 20 centers of the district and who attends an accredited public high school in another district of the
 21 same or an adjoining county or who attends high school at an approved charter school in the same or
 22 an adjoining county.

23 2. The rate of tuition to be charged by the district attended and paid by the sending district is
 24 the per pupil cost of maintaining the district's grade level grouping which includes the school
 25 attended. The rate of tuition to be charged by the approved charter school attended and paid by the
 26 sending district is the per pupil cost of maintaining the approved charter school's grade level
 27 grouping. For a district, the cost of maintaining a grade level grouping shall be determined by the
 28 board of education of the district but in no case shall it exceed all amounts spent for teachers' wages,
 29 incidental purposes, debt service, maintenance and replacements. For an approved charter school,
 30 the cost of maintaining a grade level grouping shall be determined by the approved charter school
 31 but in no case shall it exceed all amounts spent by the district in which the approved charter school
 32 is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.
 33 The term "debt service", as used in this section, means expenditures for the retirement of bonded
 34 indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level
 35 grouping shall be determined by dividing the cost of maintaining the grade level grouping by the
 36 average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the
 37 facts shall be submitted to the state board of education, and its decision in the matter shall be final.
 38 Subject to the limitations of this section, each pupil shall be free to attend the public school of his or
 39 her choice.

40 3. For purposes of this section, "approved charter school" means a charter school that has
 41 existed for less than three years or a charter school with a three-year average score of seventy
 42 percent or higher on its annual performance report.

43 167.825. 1. For school year 2019-20, students who transferred from an unaccredited district
 44 to an accredited district in the same or an adjoining county under section 167.131 as such section
 45 existed on July 1, 2018, shall be allowed to participate under the same terms that governed such
 46 transfers in school year 2018-19, except that section 167.829 shall apply to determine the
 47 reimbursement of their tuition.

48 2. Notwithstanding the provisions of subsection 1 of this section, for school year 2019-20,
 49 any student who transferred from an unaccredited district to an accredited district in the same or an

1 adjoining county in school year 2017-18 or school year 2018-19 but did not attend a public school in
2 the unaccredited district for the school year prior to the transfer, unless the student was entering
3 kindergarten or first grade when he or she transferred, shall no longer be eligible to transfer under
4 this section in school year 2019-20.

5 3. If an unaccredited district becomes classified as provisionally accredited or accredited
6 without provisions by the state board of education, any resident student of the unaccredited district
7 who transferred under section 167.131 as such section existed on July 1, 2018, shall be permitted to
8 continue the student's educational program through the completion of middle school, junior high
9 school, or high school, whichever occurs first; except that, a student who attends any attendance
10 center serving students through high school graduation but starting at grades lower than ninth grade
11 shall be permitted to complete high school in the attendance center to which he or she has
12 transferred. No student shall be required to return to an unaccredited attendance center within such
13 district under any circumstance except as provided under this subsection. In order to qualify under
14 this subsection, a student shall have previously attended an attendance center in the sending district
15 for at least one school year immediately before initially transferring, unless the student was entering
16 kindergarten or was a first grade student, and shall continue to reside within the boundaries of the
17 unaccredited district as those boundaries existed when the student entered the transfer program to
18 maintain eligibility.

19 4. Notwithstanding any other provision of law, any student who, before January 1, 2018,
20 was participating in the school transfer program under section 167.131, as such section existed on
21 July 1, 2017, and who attended, for at least one school year immediately prior to transferring, a
22 school in an unaccredited district shall have the option of transferring to a virtual school created
23 under section 162.1250, an approved charter school, or another attendance center in the student's
24 district of residence that offers the student's grade level of enrollment, as further provided in section
25 167.826.

26 167.826. 1. Any student may transfer to another attendance center in the student's district of
27 residence that offers the student's grade level of enrollment and that is accredited without provisions
28 by the state board of education if such student is enrolled in and has attended an unaccredited
29 attendance center within the student's resident district for the full school year immediately prior to
30 requesting the transfer.

31 2. No such transfer under subsection 1 of this section shall result in a class size and assigned
32 enrollment in a receiving attendance center that exceeds the standards for class size and assigned
33 enrollment as promulgated in the Missouri school improvement program's resource standards,
34 unless the school district consents to exceed the standards. If the student chooses to attend a magnet
35 school, an academically selective school, or a school with a competitive entrance process within his
36 or her district of residence that has admissions requirements, the student shall meet such admissions
37 requirements in order to attend. The school board of each district shall determine the capacity at
38 each of the district's attendance centers that the state board of education has assigned a classification
39 designation of accredited or accredited with distinction. The district's school board shall be
40 responsible for coordinating student transfers from unaccredited attendance centers to accredited
41 attendance centers within the district. No student enrolled in and attending any attendance center
42 that:

43 (1) Does not offer classes above the second grade level;

44 (2) Is a public separate special education school within a special school district and within a
45 school district;

46 (3) Is identified as a juvenile detention center within a special school district; or

47 (4) Is identified as an alternative high school

48
49 shall be eligible to transfer under this section.

1 3. Any student who is enrolled in and has attended an unaccredited attendance center for the
2 full school year immediately prior to requesting the transfer and who has first attempted but is
3 unable to transfer to an accredited attendance center within his or her district of residence under
4 subsection 1 of this section due to a lack of capacity in accredited attendance centers in the district
5 of residence may apply to the department of elementary and secondary education to transfer to:

6 (1) An accredited attendance center in an adjoining district; or

7 (2) An approved charter school, as defined in section 167.848, in an adjoining district.

8 4. The application to the department of elementary and secondary education to transfer shall
9 be made by March first before the school year in which the student intends to transfer.

10 5. A student who is eligible to begin kindergarten or first grade at an unaccredited
11 attendance center may apply to the department of elementary and secondary education for a transfer
12 if he or she resides in the attendance area of an unaccredited attendance center on March first
13 preceding the school year of first attendance. A student who does not apply by March first shall be
14 required to enroll and attend for one school year to become eligible to transfer. If the student
15 chooses to apply to attend a magnet school, an academically selective school, or a school with a
16 competitive entrance process that has admissions requirements, the student shall furnish proof that
17 he or she meets such admissions requirements. Any student who does not maintain residency in the
18 attendance area of his or her attendance center in the district of residence shall lose eligibility to
19 transfer. Any student who transfers but later withdraws shall lose eligibility to transfer. The transfer
20 provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840
21 or to any early childhood programs or early childhood special education programs.

22 6. No unaccredited attendance center or provisionally accredited attendance center shall be
23 eligible to receive transfer students; except that, a transfer student who chooses to attend a
24 provisionally accredited attendance center in the district of residence shall be allowed to transfer to
25 such attendance center if there is an available slot.

26 7. If a charter school may receive nonresident transfer students under this section because it
27 has been operating for less than three years but then loses its status as an approved charter school
28 immediately after those three years because its three-year average score on its annual performance
29 report is below seventy percent, any students who previously transferred to the charter school may
30 remain enrolled in the charter school but no additional nonresident students may transfer to the
31 charter school.

32 8. No attendance center with a three-year average score of seventy percent or lower on its
33 annual performance report shall be eligible to receive any transfer students, irrespective of its state
34 board of education classification designation; except that, any student who was granted a transfer to
35 such an attendance center prior to the effective date of this section may remain enrolled in that
36 attendance center.

37 9. Notwithstanding any other provision of law to the contrary, for a receiving attendance
38 center or receiving approved charter school, no acceptance of a transfer student shall require any of
39 the following actions, unless the school board of the receiving attendance center's district or the
40 receiving approved charter school's governing board has approved the action:

41 (1) A class size and assigned enrollment in a receiving attendance center or receiving
42 approved charter school that exceeds the number of students provided by its approved policy on
43 class size under subsection 10 of this section;

44 (2) The hiring of additional classroom teachers; or

45 (3) The construction of additional classrooms.

46 10. Each district and each receiving approved charter school shall have the right to establish
47 and adopt, by objective means, a policy for desirable class size and student-teacher ratios for each
48 attendance center. A district's policy may allow for estimated growth in the resident student
49 population. An approved charter school may use the class size, student-teacher ratios, and growth

1 projections for student enrollment contained in the charter school's charter application and charter
2 when adopting a policy. Any district or approved charter school that adopts such a policy shall do
3 so by January first annually. A district or receiving approved charter school shall publish its policy
4 and shall not be required to accept any transfer students under this section that would violate its
5 class size or student-teacher ratio. If a student seeking to transfer is denied admission to an
6 attendance center or approved charter school based on a lack of space under the policy, the student
7 or the student's parent or guardian may appeal the ruling to the state board of education if he or she
8 believes the district's policy or approved charter school's policy is unduly restrictive to student
9 transfers. If more than one student or parent appeals a denial of admission from the same
10 attendance center or approved charter school to the state board of education, the state board shall
11 make an effort to hear such actions at the same time. If the state board of education finds that the
12 policy is unduly restrictive to student transfers, the state board may limit the policy. The state
13 board's decision shall be final.

14 11. For each student who transfers to another district or approved charter school, the
15 student's district of residence shall pay the tuition amount for each transfer student to the receiving
16 district or receiving approved charter school in two increments annually, once at the start of the
17 school year and once at the start of the second semester of the school year. Each receiving district
18 and receiving approved charter school shall adopt a policy establishing a tuition rate by February
19 first annually.

20 12. If an unaccredited attendance center becomes classified as provisionally accredited or
21 accredited without provisions by the state board of education, any student who was assigned to such
22 attendance center and who has transferred under this section shall be permitted to continue his or her
23 educational program in that education option through the completion of middle school, junior high
24 school, or high school, whichever occurs first; except that, a student who attends any attendance
25 center serving students through high school graduation but starting at grades lower than ninth grade
26 shall be permitted to complete high school in the attendance center to which he or she has
27 transferred.

28 13. The department of elementary and secondary education shall designate at least one
29 accredited attendance center in an adjoining district to which the district operating the unaccredited
30 attendance center shall provide transportation for transfer students. If the designated attendance
31 center reaches full student capacity and is unable to receive additional students, the department of
32 elementary and secondary education shall designate at least one additional accredited attendance
33 center to which the district operating an unaccredited attendance center shall provide transportation
34 for transfer students.

35 14. Notwithstanding the provisions of subsection 11 of this section to the contrary, if costs
36 associated with the provision of special education and related services to a student with a disability
37 exceed the tuition amount established under this section, the transfer student's district of residence
38 shall remain responsible to pay the excess cost to the receiving district or receiving approved charter
39 school. If the receiving district is a component district of a special school district, the transfer
40 student's district of residence, including any metropolitan school district, shall contract with the
41 special school district for the entirety of the costs to provide special education and related services,
42 excluding transportation under this section. The special school district may contract with the
43 transfer student's district of residence, including any metropolitan district, for the provision of
44 transportation of a student with a disability, or the transfer student's district of residence may
45 provide transportation on its own.

46 15. A special school district shall continue to provide special education and related services,
47 with the exception of transportation under this section, to a student with a disability transferring
48 from an unaccredited attendance center within a component district to an accredited attendance
49 center within the same or a different component district within the special school district.

1 16. If any metropolitan school district operates an unaccredited attendance center, it shall
2 remain responsible for the provision of special education and related services, including
3 transportation, to students with disabilities. A special school district in an adjoining county to a
4 metropolitan school district may contract with the metropolitan school district for the
5 reimbursement of special education services under sections 162.705 and 162.710 provided by the
6 special school district for transfer students who are residents of the district operating an
7 unaccredited attendance center.

8 17. Regardless of whether transportation is identified as a related service within a student's
9 individualized education program, a receiving district that is not part of a special school district shall
10 not be responsible for providing transportation to a student transferring under this section. A district
11 operating an unaccredited attendance center may contract with a receiving district that is not part of
12 a special school district under sections 162.705 and 162.710 for transportation of students with
13 disabilities.

14 18. If a seven-director district or urban school district operates an unaccredited attendance
15 center, it may contract with a receiving district that is not part of a special school district in the same
16 or an adjoining county for the reimbursement of special education and related services under
17 sections 162.705 and 162.710 provided by the receiving district for transfer students who are
18 residents of the district operating an unaccredited attendance center.

19 167.827. 1. By January first annually, each district shall report to the department of
20 elementary and secondary education its number of available enrollment slots in accredited
21 attendance centers by grade level. Each approved charter school that is eligible to receive transfer
22 students under section 167.826 shall report the number of available enrollment slots by January first
23 annually.

24 2. The department of elementary and secondary education shall make information and
25 assistance available to parents or guardians who intend to transfer their child from an unaccredited
26 attendance center in accordance with section 167.826.

27 3. The parent or guardian of a student who intends to transfer his or her child from an
28 unaccredited attendance center in accordance with section 167.826 shall send initial notification to
29 the department of elementary and secondary education by March first for enrollment in the
30 subsequent school year.

31 4. The department of elementary and secondary education shall assign those students who
32 are unable to transfer to an accredited attendance center in their district of residence and seek to
33 transfer to an accredited attendance center in an adjoining district or an approved charter school in
34 an adjoining district. When assigning transfer students to approved charter schools, the department
35 shall coordinate with each approved charter school and its admissions process if capacity is
36 insufficient to enroll all students who submit a timely application. An approved charter school shall
37 not be required to receive any transfer students that would require it to institute a lottery procedure
38 for determining the admission of resident students. The department of elementary and secondary
39 education shall give first priority to students who live in the same household with any family
40 member or members within the first or second degree of consanguinity or affinity who have already
41 transferred and who apply to attend the same attendance center. If insufficient grade-appropriate
42 enrollment slots are available for a student to be able to transfer, that student shall receive first
43 priority the following school year. The department of elementary and secondary education shall
44 only disrupt student and parent choice for transfer if the available slots are requested by more
45 students than there are slots available. The department of elementary and secondary education shall
46 consider the following factors in assigning attendance centers, with the student's or parent's choice
47 as the most important factor:

48 (1) The student's or parent's choice of the receiving attendance center;

49 (2) The best interests of the student; and

1 (3) Distance and travel time to a receiving attendance center.

2
3 The department of elementary and secondary education shall not consider student academic
4 performance, free and reduced price lunch status, or athletic ability in assigning a student to an
5 attendance center.

6 5. The department of elementary and secondary education may deny a transfer to a student
7 who in the most recent school year has been suspended from an attendance center two or more times
8 or who has been suspended for an act of school violence under subsection 2 of section 160.261. A
9 student whose transfer is initially precluded under this subsection may be permitted to transfer on a
10 provisional basis as a probationary transfer student, subject to no further disruptive behavior, upon a
11 statement from the student's current attendance center that the student is not disruptive. A student
12 who is denied a transfer under this subsection has the right to an in-person meeting with a
13 representative of the department. The department of elementary and secondary education shall
14 develop administrative guidelines to provide common standards for determining disruptive behavior
15 that shall include, but not be limited to, criteria under section 160.261.

16 6. Notwithstanding any other provision of law, the test scores of transfer students attending
17 attendance centers or approved charter schools in districts other than their district of residence under
18 section 167.826 shall be counted as follows:

19 (1) In the first year of attendance in a district or approved charter school, a transfer student's
20 score on a statewide assessment shall not be included when calculating the status or progress scores
21 on the district's or charter school's annual performance report scores. The growth score shall be
22 weighted at one hundred percent;

23 (2) In the second year of attendance, a transfer student's score on a statewide assessment
24 shall be weighted at thirty percent when calculating the district's or charter school's performance for
25 purposes of the district's or charter school's annual performance report status or progress score, with
26 the growth score weighted at one hundred percent;

27 (3) In the third year of attendance, a transfer student's score on a statewide assessment shall
28 be weighted at seventy percent when calculating the district's or charter school's performance for
29 purposes of the district's or charter school's annual performance report status or progress score, with
30 the growth score weighted at one hundred percent; and

31 (4) In the fourth year of attendance and any subsequent years of attendance, a transfer
32 student's score on a statewide assessment shall be weighted at one hundred percent when calculating
33 the district's or charter school's performance for purposes of the district's or charter school's annual
34 performance report status or progress score, with the growth score weighted at one hundred percent.

35 167.829. 1. A district operating an unaccredited attendance center that transfers a student to
36 an accredited attendance center in an adjoining district under section 167.826 shall pay tuition to the
37 receiving district in an amount equal to the tuition rate of the receiving district. If the tuition
38 charged by the receiving district under this section exceeds the tuition rate of the sending district,
39 fifty percent of the difference in rates shall be paid from the supplemental tuition fund created in
40 subsection 2 of this section. The sending district shall pay twenty-five percent of the difference and
41 the receiving district shall absorb twenty-five percent of the difference.

42 2. There is hereby created in the state treasury the "Supplemental Tuition Fund". The fund
43 shall consist of any moneys appropriated annually by the general assembly from general revenue to
44 such fund, any moneys paid into the state treasury and required by law to be credited to such fund,
45 and any gifts, bequests, or public or private donations to such fund. The state treasurer shall be
46 custodian of the fund. The department of elementary and secondary education shall administer the
47 fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve
48 disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund
49 shall be used solely for the administration of this section. Notwithstanding the provisions of section

1 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert
 2 to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
 3 same manner as other funds are invested. Any interest and moneys earned on such investments
 4 shall be credited to the fund.

5 167.848. For purposes of section 161.238 and sections 167.825 to 167.848, the following
 6 terms mean:

7 (1) "Accredited attendance center", an attendance center that is classified as accredited or
 8 accredited with distinction by the state board of education under the authority of the state board of
 9 education to classify attendance centers as established in sections 161.092 and 161.238;

10 (2) "Accredited district", a school district that is classified as accredited or accredited with
 11 distinction by the state board of education under the authority of the state board of education to
 12 classify school districts as established in section 161.092;

13 (3) "Approved charter school", a charter school that has existed for less than three years or a
 14 charter school with a three-year average score of seventy percent or higher on its annual
 15 performance report;

16 (4) "Attendance center", a public school building or buildings or part of a school building
 17 that constitutes one unit for accountability purposes under the Missouri school improvement
 18 program;

19 (5) "Provisionally accredited attendance center", an attendance center that is classified as
 20 provisionally accredited by the state board of education under the authority of the state board of
 21 education to classify attendance centers as established in sections 161.092 and 161.238;

22 (6) "Provisionally accredited district", a school district that is classified as provisionally
 23 accredited by the state board of education under the authority of the state board of education to
 24 classify school districts as established in section 161.092;

25 (7) "Unaccredited attendance center", an attendance center that is classified as unaccredited
 26 by the state board of education under the authority of the state board of education to classify
 27 attendance centers as established in sections 161.092 and 161.238;

28 (8) "Unaccredited district", a school district classified as unaccredited by the state board of
 29 education under the authority of the state board of education to classify school districts as
 30 established in section 161.092.

31 167.890. 1. The department of elementary and secondary education shall compile and
 32 maintain student performance data scores of all transfer students enrolled in districts other than their
 33 resident districts as provided in sections 167.825 and 167.826 and make such data available on the
 34 Missouri comprehensive data system. No personally identifiable data shall be accessible on the
 35 database.

36 2. The department of elementary and secondary education may promulgate all necessary
 37 rules and regulations for the administration of this section. Any rule or portion of a rule, as that
 38 term is defined in section 536.010, that is created under the authority delegated in this section shall
 39 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 40 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
 41 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
 42 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
 43 rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and
 44 void."; and

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