

SECOND REGULAR SESSION

SENATE BILL NO. 839

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time February 27, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5898S.021

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Section A. Section 167.131, RSMo, is repealed and one new section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. **Subject to the provisions of subsection 3 of this**
2 **section**, the board of education of each district in this state that does not
3 maintain an accredited school pursuant to the authority of the state board of
4 education to classify schools as established in section 161.092 shall pay the
5 tuition of and provide transportation consistent with the provisions of section
6 167.241 for each pupil resident therein who attends an accredited school in
7 another district of the same or an adjoining county.

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

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

22 **3. Except as otherwise provided in this section, the provisions of**
23 **this section shall not apply to any unaccredited school district during**
24 **the first two full school years operating under the authority of a special**
25 **administrative board appointed pursuant to sections 162.081, 162.621,**
26 **or 162.1100, and for such additional time as the school district**
27 **operating under the special administrative board's authority**
28 **demonstrates improvement in its annual performance report under the**
29 **Missouri school improvement program or its equivalent successor**
30 **program. For the purposes of this subsection, the term "improvement"**
31 **shall mean that the school district gained at least one additional annual**
32 **performance report point during the initial two-year period under**
33 **special administrative board authority, does not lose any annual**
34 **performance report points in any year subsequent to the initial two-**
35 **year period, and gains at least one additional annual performance**
36 **report point within each subsequent two-year period after the initial**
37 **two-year period. Failing such improvement, such special**
38 **administrative board shall pay the tuition as calculated in subsection**
39 **2 of this section and provide transportation consistent with the**
40 **provisions of section 167.241 for each resident pupil who meets the**
41 **criteria of this section. This subsection shall apply to all districts**
42 **operating under the authority of a special administrative board**
43 **established under sections 162.081, 162.621, or 162.1100 on or after the**
44 **effective date of this act.**

45 **4. A pupil residing in an unaccredited district operating under**
46 **the authority of a special administrative board established pursuant to**
47 **sections 162.081, 162.621, or 162.1100 shall have the right to transfer to**
48 **a school site within the district of residence offering the pupil's grade**
49 **level of enrollment that has met or exceeded state performance targets**
50 **for the previous academic year, provided adequate space is available**
51 **as determined by the special administrative board.**

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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