

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 313, Page 32, Section 162.081, Line 4,

by inserting immediately after said line the following:

"162.431. 1. When it is necessary to change the boundary lines between seven-director school districts, in each district affected, ten percent of the voters by number of those voting for school board members in the last annual school election in each district may petition the district boards of education in the districts affected, regardless of county lines, for a change in boundaries. The question shall be submitted at the next election, as the term election is referenced and defined in section 115.123.

2. The voters shall decide the question by a majority vote of those who vote upon the question. If assent to the change is given by each of the various districts voting, each voting separately, the boundaries are changed from that date.

3. If one of the districts votes against the change and the other votes for the change, the matter may be appealed to the state board of education, in writing, within fifteen days of the submission of the question by either one of the districts affected, or in the above event by a majority of the signers of the petition requesting a vote on the proposal. At the first

1 meeting of the state board following the appeal, a board of  
2 arbitration composed of three members, none of whom shall be a  
3 resident of any district affected, shall be appointed. In  
4 determining whether it is necessary to change the boundary line  
5 between seven-director districts, the board of arbitration shall  
6 base its decision upon the following:

7 (1) The presence of school-aged children in the affected  
8 area;

9 (2) The presence of actual educational harm to school-aged  
10 children, either due to a significant difference in the time  
11 involved in transporting ~~[students]~~ pupils or educational  
12 deficiencies in the district which would have its boundary  
13 adversely affected; and

14 (3) The presence of an educational necessity, not of a  
15 commercial benefit to landowners or to the district benefitting  
16 for the proposed boundary adjustment.

17  
18 For purposes of subdivision (2) of this subsection, "significant  
19 difference in the time involved in transporting ~~[students]~~  
20 pupils" shall mean a difference of forty-five minutes or more per  
21 trip in travel time. "Travel time" is the period of time  
22 required to transport a pupil from the pupil's place of residence  
23 or other designated pick-up point to the site of the pupil's  
24 educational placement.

25 4. Within twenty days after notification of appointment,  
26 the board of arbitration shall meet and consider the necessity  
27 for the proposed changes and shall decide whether the boundaries  
28 shall be changed as requested in the petition or be left  
29 unchanged, which decision shall be final. The decision by the

1 board of arbitration shall be rendered not more than thirty days  
2 after the matter is referred to the board. The [chairman] chair  
3 of the board of arbitration shall transmit the decision to the  
4 secretary of each district affected who shall enter the same upon  
5 the records of his or her district and the boundaries shall  
6 thereafter be in accordance with the decision of the board of  
7 arbitration. The members of the board of arbitration shall be  
8 allowed a fee of fifty dollars each, to be paid at the time the  
9 appeal is made by the district taking the appeal or by the  
10 petitioners should they institute the appeal.

11 5. If the board of arbitration decides that the boundaries  
12 shall be left unchanged, no new petition for the same, or  
13 substantially the same, boundary change between the same  
14 districts shall be filed until after the expiration of two years  
15 from the date of the municipal election at which the question was  
16 submitted to the voters of the districts."; and

17 Further amend said bill, page 51, section 167.121, line 7,  
18 by inserting after the word "district" the following: ", except  
19 as provided in section 167.125"; and further amend line 10 by  
20 inserting after the word "rescinded." the following:

21 "Any assignment granted to a pupil under this section before  
22 August 28, 2017, shall remain in effect until the pupil completes  
23 his or her course of study in the receiving district or until the  
24 parent or guardian withdraws the pupil from the assignment. Any  
25 assignment granted to a pupil under this section before August  
26 28, 2017, shall also be applicable to any sibling of the pupil  
27 and shall remain in effect until the pupil completes his or her  
28 course of study in the receiving district or until the parent or  
29 guardian withdraws the pupil from the assignment."; and

1 Further amend said bill and section, page 52, line 8, by  
2 striking the word "students" and inserting in lieu thereof the  
3 following: "pupils"; and further amend line 27, by inserting  
4 immediately after said line the following:

5 "167.125. 1. For any pupil residing in any school district  
6 in the state, the commissioner of education or his or her  
7 designee shall, upon proper application by the parent or guardian  
8 of the pupil, assign the pupil and any sibling of the pupil to  
9 another school district if the pupil is eligible as described  
10 under subsection 2 of this section and the following conditions  
11 are met:

12 (1) The actual driving distance from the pupil's residence  
13 to the attendance center in the district of residence is fifteen  
14 miles or more by the shortest route available as determined by  
15 the commissioner or his or her designee;

16 (2) The attendance center to which the pupil would be  
17 assigned in the receiving district is at least five miles closer  
18 in actual driving distance by the shortest route available to the  
19 pupil's residence than the current attendance center in the  
20 district of residence as determined by the commissioner or his or  
21 her designee; and

22 (3) The attendance of the pupil will not cause the  
23 classroom in the receiving district to exceed the number of  
24 pupils per class as determined by the receiving district.

25 2. (1) For pupils applying to the commissioner of  
26 education under this section, the commissioner or his or her  
27 designee shall assign pupils in the order in which applications  
28 are received, so long as the applications are properly completed  
29 and the conditions of subsection 1 of this section are met.

1       (2) Once granted, the hardship assignment shall continue  
2 until the pupil, and any sibling of the pupil who attends the  
3 same attendance center, completes his or her course of study in  
4 the receiving district or the parent or guardian withdraws the  
5 pupil. If a parent or guardian withdraws a pupil from a hardship  
6 assignment, the granting of a subsequent application is  
7 discretionary.

8       (3) A pupil shall be eligible to apply to the commissioner  
9 of education to be assigned to another district under this  
10 section if the pupil has been enrolled in and attending a public  
11 school in his or her district of residence during the school year  
12 prior to the application. Any pupil shall be eligible to apply  
13 to the commissioner of education to be assigned to another  
14 district under this section if the pupil has been enrolled in and  
15 attending a public school in a district other than his or her  
16 district of residence and paid nonresident tuition for such  
17 enrollment during the school year prior to the application.  
18 Pupils who reside in the district who become eligible for  
19 kindergarten or first grade shall also be eligible to apply to  
20 the commissioner of education to be assigned to another district.

21       (4) A pupil who is not currently enrolled in a public  
22 school district shall become eligible to apply to the  
23 commissioner of education to be assigned to another district  
24 after the pupil has enrolled in and completed a full school year  
25 in a public school in his or her district of residence.

26       3. The board of education of the district in which the  
27 pupil resides shall pay the tuition of the pupil assigned. The  
28 tuition amount shall not exceed the pro rata cost of  
29 instruction."; and

1 Further amend the title and enacting clause accordingly.

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