

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

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

Amend SCS/House Bill No. 1291, Page 8, Section 162.441, Line 41,

2 by inserting after all of said line the following:

3 "167.125. 1. For any pupil residing in any school district  
4 in the state, the commissioner of education or his or her  
5 designee shall, upon proper application by the parent or guardian  
6 of the pupil, assign the pupil and any sibling of the pupil to  
7 another school district if the pupil is eligible as described  
8 under subsection 2 of this section and the following conditions  
9 are met:

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

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

20 (3) The attendance of the pupil will not cause the  
21 classroom in the receiving district to exceed the number of

1 pupils per class as determined by the receiving district.

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

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

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

27 (4) A pupil who is not currently enrolled in a public  
28 school district shall become eligible to apply to the  
29 commissioner of education to be assigned to another district

1 after the pupil has enrolled in and completed a full school year  
2 in a public school in his or her district of residence.

3 3. A school district that is assigned a pupil under the  
4 provisions of this section may charge a nonresident tuition rate.  
5 The board of education of the pupil's district of residence shall  
6 pay the tuition of the pupil assigned, however, the amount paid  
7 by the district of residence shall not exceed the pro rata cost  
8 of instruction of the attendance center the pupil would have  
9 attended in the pupil's district of residence. If the amount of  
10 tuition paid by the district of residence is less than the  
11 nonresident tuition rate set by the receiving school district,  
12 the balance shall be paid by the parents or guardians of the  
13 pupil. No pupil shall be assigned under the provisions of this  
14 section unless tuition is paid in full."; and

15 Further amend the title and enacting clause accordingly.