

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 404, Page 1, Section A, Line 1, by
2 inserting immediately after said line the following:

3 "167.121. 1. If the residence of a pupil is so located that attendance in the district of
4 residence constitutes an unusual or unreasonable transportation hardship because of natural barriers,
5 unforeseen circumstances, travel time, or distance, the commissioner of education or his or her
6 designee may assign the pupil to another district. In making such a determination, the
7 commissioner or his or her designee shall incorporate consideration of any previous affirmative
8 decisions regarding the reassignment of any pupil living in the same territory or geographical
9 location under like circumstances of the pupil currently seeking a hardship assignment. The
10 hardship assignment shall continue until the pupil completes his or her course of study in the
11 receiving district or the parent or guardian withdraws the pupil. A hardship assignment granted to a
12 pupil under this section shall also apply to each sibling of the pupil.

13 2. If the commissioner or his or her designee determines that the pupil described in
14 subsection 1 of this section shall not be assigned to another district, the pupil may appeal the
15 decision to a board of arbitration within ten days of notification of the decision. The board of
16 arbitration shall consist of three members to be appointed by the chair of the joint committee on
17 education. Initial appointments to the board shall be made before September 15, 2017. Each board
18 member shall serve a one-year term but may be reappointed to serve additional terms as determined
19 by the chair. No board member shall be paid compensation except for reasonable expenses
20 associated with his or her duties. The board shall make its determination regarding the reassignment
21 of the student within fifteen days of notification of the appeal by the pupil. All decisions of the
22 board are final and shall not be appealed. Subject to the provisions of this section, all existing
23 assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may be
24 continued or rescinded. The board of education of the district in which the pupil lives shall pay the
25 tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

26 [2-] 3. (1) For the school year beginning July 1, 2008, and each succeeding school year, a
27 parent or guardian residing in a lapsed public school district or a district that has scored either
28 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual
29 performance reports may enroll the parent's or guardian's child in the Missouri virtual school created
30 in section 161.670 provided the pupil first enrolls in the school district of residence. The school
31 district of residence shall include the pupil's enrollment in the virtual school created in section
32 161.670 in determining the district's average daily attendance. Full-time enrollment in the virtual
33 school shall constitute one average daily attendance equivalent in the school district of residence.
34 Average daily attendance for part-time enrollment in the virtual school shall be calculated as a
35 percentage of the total number of virtual courses enrolled in divided by the number of courses
36 required for full-time attendance in the school district of residence.

Action Taken _____ Date _____

1 (2) A pupil's residence, for purposes of this section, means residency established under
2 section 167.020. Except for students residing in a K-8 district attending high school in a district
3 under section 167.131, the board of the home district shall pay to the virtual school the amount
4 required under section 161.670.

5 (3) Nothing in this section shall require any school district or the state to provide computers,
6 equipment, internet or other access, supplies, materials or funding, except as provided in this
7 section, as may be deemed necessary for a pupil to participate in the virtual school created in section
8 161.670.

9 (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created
10 under the authority delegated in this section shall become effective only if it complies with and is
11 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
12 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
13 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
14 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
15 August 28, 2007, shall be invalid and void."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.