

FIRST REGULAR SESSION

HOUSE BILL NO. 1052

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor) AND SCHOELLER (Co-sponsor).

2193L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school enrollment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be
2 known as section 162.1032, to read as follows:

162.1032. 1. For purposes of this section, the following terms shall mean:

2 **(1) "Department", the department of elementary and secondary education;**

3 **(2) "Residency", the term as defined under section 167.020, RSMo;**

4 **(3) "School district", a seven director, urban, or metropolitan school district.**

5 **2. For the school year commencing July 1, 2010, and for each succeeding school**
6 **year, a parent or guardian residing in a public school district may enroll his or her child**
7 **in a public school in another school district in the manner provided in this section.**

8 **3. For a parent or guardian to be able to enroll his or her child in a public school**
9 **in another school district, the following shall be required:**

10 **(1) The child shall be enrolled in and attending a public school located in Missouri;**
11 **or**

12 **(2) The parent or guardian has registered, or is preparing to register, the child for**
13 **kindergarten or first grade.**

14 **4. By January fifteenth of the preceding school year, the parent shall send**
15 **notification to the school district of residence and the receiving district, on an application**
16 **or forms prescribed by the department, that the parent or guardian intends to enroll his**
17 **or her child in a public school in a school district other than the school district of residence.**
18 **If a school district does not have sufficient capacity to enroll all pupils who submit a timely**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 application, the school district shall institute an admissions process to ensure all applicants
20 an equal chance of admission, except that a school district may give preference for
21 admission to siblings of children who are already enrolled in the school district under this
22 section.

23 **5. If a parent or guardian fails to send notification by January fifteenth as specified**
24 **in subsection 4 of this section, the parent or guardian may request transfer until the third**
25 **Friday in July of that calendar year, on an application or forms prescribed by the**
26 **department, by sending notification to the school district of residence and the receiving**
27 **district, provided that good cause exists for the failure to meet the deadline. The board of**
28 **education for the receiving district shall determine if good cause exists. For purposes of**
29 **this subsection, good cause shall mean:**

30 **(1) A change in a child's residence due to a change in family residence, a change in**
31 **the marital status of the child's parent or guardian, a guardianship or custody proceeding,**
32 **placement in foster care, adoption, participation in a substance abuse or mental health**
33 **treatment program; or**

34 **(2) A classification of the child's resident school district as unaccredited by the state**
35 **board of education or the revocation of the charter of a charter school as provided in**
36 **section 160.405, RSMo, attended by the child.**

37 **6. Whenever a federal court-ordered desegregation directive exists for a school**
38 **district, enrollment options under this section are subject to the approval of the court of**
39 **continuing jurisdiction. The court order shall govern.**

40 **7. An application for open enrollment may be granted at any time with the**
41 **approval of the receiving district and the school district of residence. If the request is**
42 **granted, the board of education of the receiving district shall notify the parent or guardian**
43 **and the school district of residence within five days. The parent or guardian may**
44 **withdraw the request to enroll his or her child at any time prior to the start of the school**
45 **year. A request for enrollment under this section shall be valid for at least one year, and**
46 **once granted, shall not require another application until the pupil has completed all grades**
47 **available in the school district.**

48 **8. Each school district shall adopt a policy for appropriate class size and teacher-**
49 **pupil ratios for all grade levels. The policy may allow for a number of spaces to remain**
50 **open to accommodate potential additional pupils who may reside in the district. No school**
51 **district shall be required to admit pupils under this section if such admittance would**
52 **violate its target class size and teacher-pupil ratio under this subsection. If a school district**
53 **denies enrollment to a pupil under this section, it shall state the grounds for the denial.**
54 **Each school district shall maintain records on:**

55 (1) The number of transfers requested into and out of the district;

56 (2) The number of pupils accepted into the district; and

57 (3) The number of pupils denied enrollment into the district.

58 9. If, after enrolling his or her child in the receiving district, the parent or guardian
59 is dissatisfied, he or she may return his or her child to the school district of residence upon
60 notification to both the receiving district and the school district of residence. However, the
61 parent or guardian shall not be able to reenroll his or her child in the receiving district at
62 a later time. If the parent or guardian desires to enroll his or her child in a school district
63 other than the school district of residence or the initial receiving district, he or she shall
64 follow the procedures identified in this section.

65 10. If a request filed under this section is for a child requiring special education
66 under sections 162.670 to 162.999, the request to transfer to the other district shall only be
67 granted if the individualized education program team in the receiving district verifies that:

68 (1) The receiving district maintains a special education instructional program that
69 is appropriate to meet the child's educational needs; and

70 (2) The enrollment of the child in the receiving district's program would not cause
71 the size of the class in that special education instructional program to exceed the maximum
72 class size established in rules and regulations adopted by the state board of education or
73 federal guidelines for that program.

74 11. For children requiring special education, a member of the individualized
75 education program team in the school district of residence shall be part of the
76 individualized education program team in the receiving district for the initial planning
77 session or sessions. The board of education of the school district of residence shall pay to
78 the receiving district the actual costs incurred in providing the appropriate special
79 education.

80 12. The statewide assessment scores of pupils who enroll in another school district
81 under this section shall be treated in the same manner as the scores of resident pupils in
82 that district.

83 13. A pupil who enrolls in another school district under this section shall be
84 counted, for state school foundation aid purposes, in the pupil's school district of residence.
85 Except for pupils residing in a K-8 school district attending high school in another district
86 under section 167.131, RSMo, the board of education of the school district of residence
87 shall pay to the receiving district an annual amount equal to the product of the weighted
88 average daily attendance of the school district's resident pupils attending the receiving
89 district school and the state adequacy target, multiplied by the dollar value modifier for
90 the sending district, plus local tax revenues per weighted average daily attendance from

91 the incidental and teachers' funds in excess of the performance levy as defined in section
92 163.011, RSMo, plus all other state aid attributable to such pupils, not exceeding the per
93 pupil cost in the sending district or receiving district, whichever is less. The district of
94 residence shall also pay to the receiving district any other federal or state aid that the
95 district receives on account of such child.

96 **14. If a parent or guardian of a child who is participating in open enrollment under**
97 **this section moves to a different school district during the course of either district's**
98 **academic year, the child's first school district of residence shall be responsible for payment**
99 **of the amount per pupil as calculated under subsection 13 of this section or special**
100 **education costs to the receiving district for the balance of the school year in which the move**
101 **occurred. The new district of residence shall be responsible for the payments during**
102 **subsequent years.**

103 **15. If a request to transfer is due to a change in family residence, or where the child**
104 **resides as a result of a change in a child's parents' marital status, a guardianship**
105 **proceeding, placement in foster care, adoption, or participation in a substance abuse or**
106 **mental health treatment program, and the child who is the subject of the request is not**
107 **currently using any provision of open enrollment under this section, the parent or guardian**
108 **shall have the option to keep the child enrolled in the child's original school district of**
109 **residence with no interruption in the educational program. If a parent or guardian**
110 **exercises this option, the child's new district of residence is not required to pay the amount**
111 **calculated in subsection 13 of this section until the start of the first full year of enrollment**
112 **of the child.**

113 **16. Payments shall be made to the receiving district from the school district of**
114 **residence for a child participating in open enrollment under this section at least twice a**
115 **year. If a timely payment is not made, the receiving district shall be entitled to a late**
116 **charge of up to three percent a month on the amount overdue, not to exceed three months.**
117 **When a payment is more than three months past due, the department, upon notice from**
118 **the receiving district, shall withhold the amount, including interest, from the school district**
119 **of residence's state school aid and send payment in full to the receiving district.**

120 **17. In a public school district that qualified for a small schools grant under section**
121 **163.044, RSMo, the addition of up to five percent average daily attendance attributable to**
122 **open enrollment under this section shall not disqualify the district for the grant. A**
123 **decrease of less than five percent from the average daily attendance used to determine**
124 **qualification for the grant that is attributable to open enrollment shall not qualify a school**
125 **district for the grant.**

126 **18. Notwithstanding sections 167.131 and 167.241, RSMo, the parent or guardian**
127 **shall be responsible for transporting the pupil to school under this section without**
128 **reimbursement. A school district may provide transportation for a pupil to and from a**
129 **point on an existing school bus route provided that the parent or guardian transports the**
130 **pupil to and from such point. Nothing in this subsection shall be construed to prohibit a**
131 **school district from voluntarily providing such transportation.**

132 **19. Participation in interscholastic athletics for students enrolling in another school**
133 **district under this section shall be governed by the Missouri State High School Activities**
134 **Association's requirements and eligibility criteria and standards.**

135 **20. The state board of education shall promulgate rules and regulations necessary**
136 **to implement the provisions of this section. Any rule or portion of a rule, as that term is**
137 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
138 **section shall become effective only if it complies with and is subject to all of the provisions**
139 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
140 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
141 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
142 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
143 **authority and any rule proposed or adopted after August 28, 2009, shall be invalid and**
144 **void.**

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