

SECOND REGULAR SESSION

HOUSE BILL NO. 1553

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor), EMERY, BIVINS, DIECKHAUS,
ZERR, JONES (89), SCHAAF AND BURLISON (Co-sponsors).

4005L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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 162.1035, to read as follows:

3 **162.1035. 1. Any school board may, by a majority vote, place the issue of open**
4 **enrollment by contract on the ballot for a primary or general election to become effective**
5 **the following July first. The issue may also be placed on the ballot for a primary or general**
6 **election upon a petition which shall be signed by ten percent of the registered voters in the**
7 **district or one hundred voters, whichever is the higher number. If a two-thirds majority**

8 **of the electors voting in such election vote in the affirmative, the district may offer open**
9 **enrollment by contract as set out in this section.**

10 **2. (1) Public schools not in the residence district or private schools that agree to**
11 **accept students under the terms of this section shall be considered contractors.**
12 **(2) Eligible students are those students currently attending public school in the**
13 **sending district who have attended for at least one continuous school year after the**
14 **effective date of this bill or those who have not attended any school in the district because**

15 **they are not yet of school age or because they have moved to the district recently enough**
16 **that they have not registered for or enrolled in school.**
3. The contract amount shall be the product of the weighted average daily
attendance from the eligible students attending the contractor and the state adequacy

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.

17 target, multiplied by the dollar value modifier for the district, plus local tax revenues per
18 weighted average daily attendance from the incidental and teachers' funds in excess of the
19 performance levy as defined in section 163.011, plus all other state and federal aid
20 attributable to such pupils, or the contractor's cost of education, as stated in the contract,
21 whichever is less.

22 **4. Except for a school operating under 167.131, a public school district may enroll**
23 **pupils by contract with another school district under this section unless a majority of the**
24 **school board votes to opt out of participation. Before placing the issue of opting out on the**
25 **agenda, the board shall hold at least one public meeting with at least one week of prior**
26 **notice. The board shall make a good faith effort to publicize the meeting through public**
27 **service media announcements and any other method deemed likely to be effective in**
28 **reaching the patrons of the district. The receiving district shall, at least annually, estimate**
29 **the number of open seats in each grade at each school after taking into account likely**
30 **changes in the resident pupil count, and make public this information. The district shall**
31 **create a policy to address the acceptance of students for open seats when the number of**
32 **applicants exceeds the number of open seats. No school district shall intentionally take**
33 **pupils by contract when doing so will cause the student-teacher ratio to exceed the**
34 **minimum standards required for accreditation.**

35 **5. (1) A private school may agree to receive public school students by contract by**
36 **an affirmative vote of its governing board or of the appropriate entity based on any district**
37 **or diocesan structure of which the school is a local unit. The school shall, at least annually,**
38 **estimate the number of open seats in each grade after taking into account likely changes**
39 **in the pupil count, and make public this information.**

40 **(2) Private school contractors shall certify to the district board before the board**
41 **agrees to a contract that:**

42 **(a) None of the funds received by them will be used for any sectarian purpose or**
43 **for building construction;**

44 **(b) They will not discriminate in admission on the basis of grade point average,**
45 **religion, race, or gender, unless the school is a single-gender school;**

46 **(c) They will provide an appropriate assessment agreed upon by the contractor and**
47 **the district.**

48 **6. A sending school district may opt out of open enrollment by contract by the same**
49 **procedure as described in subsection 1 of this section for opting in. A receiving public**
50 **school district may opt out of open enrollment by contract by the same procedure as**
51 **described in subsection 4 of this section for opting in. A private school may opt out of open**
52 **enrollment by contract by the same procedure as described in subsection 5 of this section**

53 for opting in. In all instances, the school shall notify the students, their parents, and the
54 other affected schools as soon as possible when the issue placed is on the board's meeting
55 agenda.

56 7. A pupil participating in open enrollment by contract may return to the district
57 of residence and enroll at the semester break, once the parent or guardian has notified the
58 district of residence and the contractor in writing of the decision to enroll the pupil in the
59 district of residence.

60 8. A student who is suspended from a contractor shall be permitted to return to the
61 district of residence if the assigned school in the district would not have suspended the
62 student for the same offense. If the student would have been suspended in the residence
63 district and still wishes to return, the student shall meet any requirements of the residence
64 district for readmission. If the student wishes to be readmitted to the contractor, the
65 student shall meet any requirement of the contractor for readmission.

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