

FIRST REGULAR SESSION

HOUSE BILL NO. 1239

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor), SCHARNHORST, HOBBS, SCHAD, EMERY, DAVIS, JETTON, COOPER (158), TILLEY, BEARDEN, MCGHEE, RICHARD, ROBB, HUNTER, DOUGHERTY, RUESTMAN, FAITH, COX, JONES (89), VILLA, ONDER, BIVINS, PORTWOOD, STEVENSON, ICET, MUSCHANY, NIEVES, DEMPSEY, CUNNINGHAM (145), SCHAAF, MAY, NOLTE, EL-AMIN AND HUBBARD (Co-sponsors).

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2144L.011

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 known as section 162.1035, to read as follows:

162.1035. 1. Any school board may, by a majority vote, place the issue of open enrollment by contract on the ballot for a primary or general election to become effective the following July first. The issue may also be placed on the ballot for a primary or general election upon a petition which shall be signed by ten percent of the registered voters in the district or one hundred voters, whichever is the higher number. If a two-thirds majority of the electors voting in such election vote in the affirmative, the district may offer open enrollment by contract as set out in this section.

2. (1) Public schools not in the residence district or private schools that agree to accept students under the terms of this section shall be considered contractors.

(2) Eligible students are those students currently attending public school in the sending district who have attended for at least one continuous school year after the effective date of this bill or those who have not attended any school in the district because

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.

13 they are not yet of school age or because they have moved to the district recently enough
14 that they have not registered for or enrolled in school.

15 3. The contract amount shall be the product of the weighted average daily
16 attendance from the eligible students attending the contractor and the state adequacy
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, RSMo, 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, RSMo, a public school district may
23 enroll pupils by contract with another school district under this section unless a majority
24 of the school board votes to opt out of participation. Before placing the issue of opting out
25 on the agenda, the board shall hold at least one public meeting with at least one week of
26 prior notice. The board shall make a good faith effort to publicize the meeting through
27 public service media announcements and any other method deemed likely to be effective
28 in reaching the patrons of the district. The receiving district shall, at least annually,
29 estimate the number of open seats in each grade at each school after taking into account
30 likely changes in the resident pupil count, and make public this information. The district
31 shall create a policy to address the acceptance of students for open seats when the number
32 of 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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