

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2247, Page 29, Section 160.518, Line 83, by
2 inserting after all of said line the following:

3
4 "162.728. 1. If a student returns to the public school he or she previously attended immediately
5 after attending a charter school for at least one school year; the student's previous attendance at the public
6 school occurred immediately before his or her transfer to the charter school; and the student received special
7 educational services before, during, and after his or her attendance at the charter school, the charter school
8 that the student attended shall pay the public school of current attendance expenses for compensatory
9 educational services as described in subsection 2 of this section if:

10 (1) The student failed to progress in the goals outlined in his or her individualized education
11 program while attending the charter school;

12 (2) Testing of the student by the public school of current attendance within six months of the
13 student's return demonstrates a regression in his or her skills; or

14 (3) Testing of the student by the public school of current attendance within six months of his or her
15 return demonstrates that the student is performing below his or her peers to a greater degree than existed
16 immediately before his or her transfer to the charter school.

17 2. The public school of current attendance shall receive from the charter school the amount
18 necessary to cover all expenses associated with the compensatory educational services required for the
19 student to correct for any failure to progress, regression, or performance gap described in subsection 1 of this
20 section. Payments shall be made before July first of each year and shall continue as long as such
21 compensatory educational services are necessary.

22 3. Any dispute between the public school of current attendance and the charter school as to the
23 amount owed to the public school of current attendance shall be resolved by the department of elementary
24 and secondary education. The decision of the department of elementary and secondary education shall be the
25 final administrative action for purposes of review under chapter 536.

26 4. The department of elementary and secondary education shall promulgate rules to implement the
27 provisions of this section including, but not limited to, the requirements related to the expenses to be paid by
28 the charter school. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
29 under the authority delegated in this section shall become effective only if it complies with and is subject to
30 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
31 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to
32 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
33 grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and
34 void."; and

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

Action Taken _____ Date _____