

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 581, Page 27, Section 160.425, Line 48, by
2 inserting immediately after said section and line the following:
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4 "162.728. 1. If a student attends a noncharter public school in a district immediately after attending
5 a charter school for at least one school year; the student previously attended any noncharter public school in
6 the same district 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 noncharter public school of current attendance expenses for
9 compensatory educational services as described in subsection 2 of this section if:

10 (1) Testing of the student by the public school of current attendance within six months of the
11 student's return to the district demonstrates a regression in his or her skills; or

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

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

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

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

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

Action Taken _____ Date _____