

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 807 & 690
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Student Achievement March 13, 2007 with recommendation that House Committee Substitute for House Bill Nos. 807 & 690 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1866L.05C

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to open 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 162.1031, to read as follows:

**162.1031. 1. The provisions of this section shall be known as the "Students First
2 Act".**

**3 2. For the school year beginning July 1, 2008, and each succeeding school year, a
4 parent or guardian may enroll the parent's or guardian's child in a public school for
5 kindergarten or grades above kindergarten in another school district in the manner
6 provided in this section. For purposes of this section "public school" includes charter
7 schools, magnet schools, and the Missouri virtual school created in section 161.670, RSMo.**

**8 3. (1) A student is eligible to attend a school in a school district whose boundary
9 is within a thirty-mile radius of the student's home district boundary if the host district is
10 neither lapsed, provisionally accredited nor unaccredited and has open seats under its
11 definition of "class size" in subsection 4 of this section.**

**12 (2) The department of elementary and secondary education shall have the authority
13 to determine if a district qualifies to receive students under this subsection.**

**14 4. (1) Every school district shall adopt a policy which defines the term "class size"
15 for the purposes of open enrollment. The "minimum standard" of teacher-pupil ratio**

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.

16 promulgated by the department shall be used in formulating the policy. The policy may
17 allow for a number of spaces to remain open to accommodate potential additional pupils
18 who will reside in the district. The host district shall make available to the public the
19 number of open seats in each grade each year on a timely basis. The parent or guardian
20 of any student who wishes to participate in open enrollment shall declare the student's
21 intent by March first preceding the school year in which the student wishes to participate.
22 Open enrollment requests shall be for an entire school year.

23 (2) If capacity is insufficient to enroll all pupils who submit an application, the host
24 school district shall have an admissions process that assures all applicants of an equal
25 chance of gaining admission except that preferences for admission of children whose
26 siblings attend the school may be permitted. Whenever there is a federal court-ordered
27 desegregation directive for a school district, enrollment options under this section are
28 subject to the approval of the court of continuing jurisdiction, and the court order shall
29 govern.

30 (3) If a parent believes that a host district is unreasonable in disapproving
31 applications submitted in accordance with this subsection, the parent may request that the
32 department of elementary and secondary education review and take appropriate action.
33 School districts shall keep records of numbers of transfers requested into and out of the
34 district and numbers accepted and denied. These records shall be publicly available.

35 (4) If a request filed under this section is for a child requiring special education
36 under sections 162.670 to 162.999, the request to transfer to the other district shall be
37 granted only if the individualized education program (IEP) team in the host district verifies
38 that the host district maintains a special education instructional program which is
39 appropriate to meet the child's educational needs and the enrollment of the child in the
40 host district's program would not cause the size of the class in that special education
41 instructional program in the host district to exceed the maximum class size established in
42 rules adopted by the state board of education or federal guidelines for that program. For
43 children requiring special education, a member of the child's IEP team in the home district
44 shall be part of the IEP team in the host district for the initial IEP planning sessions, and
45 the home district shall pay to the host district the actual costs incurred in providing the
46 appropriate special education.

47 5. (1) A pupil's residence, for purposes of this section, means residency established
48 under section 167.020, RSMo. Except for students residing in a K-8 district attending high
49 school in a district under section 167.131, RSMo, the board of the home district shall pay
50 to the host district the lower of the two districts' per-pupil expenditure.

51 (2) Payments shall be made to the host district at least twice a year. If timely
52 payment is not made, the host district shall be entitled to a late charge of up to three
53 percent a month on the amount overdue, not to exceed three months. When a payment is
54 more than three months past due, the department of elementary and secondary education,
55 upon notice from the host district, shall withhold the amount, including interest, from the
56 home district's state school aid and send payment in full to the host district.

57 6. Notwithstanding section 167.241, RSMo, relating to transportation of
58 nonresident pupils, the parent or guardian is responsible for transporting the pupil
59 without reimbursement if transportation costs are not fully covered under subsection 5 of
60 this section. At the discretion of the host district based on availability of bus seats, the
61 pupil may be transported by the parent to and from a point on a regular school bus route
62 of the host district. Nothing in this subsection shall be construed to prohibit a home or host
63 district from voluntarily providing such transportation, nor shall this subsection be
64 construed to prohibit a district from charging a fee for use of school buses for any purpose
65 the school district deems necessary and appropriate to accomplish the ends of this section.

66 7. For accountability purposes on adequate yearly progress and the annual
67 performance report, the statewide assessment scores of pupils using open enrollment to
68 attend a district other than their home district shall be treated in the same manner as the
69 scores of English language learners.

70 8. To the extent practicable based on available capacity, each public school district
71 with multiple attendance centers serving the same grade level may provide intradistrict
72 open enrollment. A district's intradistrict transfers shall receive priority over interdistrict
73 transfers.

74 9. Students who participate in open enrollment shall be treated like resident
75 students of the host district for school activities participation in any team, and no
76 organization shall prevent such students from participating in school activities. Districts
77 and organizations involved in school activities in open enrollment districts shall make a
78 good faith effort to facilitate participation.

79 10. In a public school district that qualified for a small school grant under section
80 163.044, RSMo, for the previous school year, the addition of up to five percent average
81 daily attendance attributable to open enrollment shall not disqualify the district for the
82 grant, nor shall a decrease of less than five percent from the average daily attendance used
83 to determine qualification for the grant for the subsequent school year that is attributable
84 to open enrollment qualify a district for the grant.

85 11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
86 that is created under the authority delegated in this section shall become effective only if

87 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
88 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
89 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
90 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
91 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
92 adopted after August 28, 2007, shall be invalid and void.

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