

FIRST REGULAR SESSION

# HOUSE BILL NO. 690

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BAKER (123) (Sponsor), SCHOELLER, SCHAAF, FLOOK,  
NOLTE, MEINERS, RICHARD, STEVENSON, HOSKINS, ROBB,  
BEARDEN AND COOPER (158) (Co-sponsors).

Read 1st time January 31, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1378L.02I

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### AN ACT

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

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*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. For the school year beginning July 1, 2008, and each succeeding school  
2 year, a parent or guardian residing in an unaccredited or provisionally accredited public  
3 school district may enroll the parent's or guardian's child in a public school for  
4 kindergarten or grades above kindergarten in another school district in the manner  
5 provided in this section.**

**6 2. (1) A student residing in an unaccredited or provisionally accredited district is  
7 eligible to attend a school in a school district that borders on the student's residence district  
8 if the bordering district is neither provisionally accredited nor unaccredited and has open  
9 seats under its definition of "class size" in subsection 3 of this section. If no bordering  
10 district qualifies as a host district, the student may attend in a district that borders the  
11 district that borders the residence district, as long as the host district is neither  
12 provisionally accredited nor unaccredited.**

**13 (2) At the point when the student's residence district regains accreditation with no  
14 provisions, no more pupils from that district shall be accepted under this section; however,**

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.

15 pupils who are currently attending shall be permitted to finish the highest grade available  
16 in the host district.

17 (3) The department of elementary and secondary education shall have the authority  
18 to determine if a bordering district qualifies to receive students under this subsection.

19 3. (1) Every school district shall adopt a policy which defines the term "class size"  
20 for the purposes of open enrollment. The minimum level of teacher-pupil ratio  
21 promulgated by the department shall be used in formulating the policy. The policy may  
22 allow for a number of spaces to remain open to accommodate potential additional pupils  
23 who will reside in the district. The host district shall make available to the public the  
24 number of open seats in each grade each year on a timely basis.

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

32 4. A pupil participating in open enrollment shall be counted for average daily  
33 attendance for state school foundation aid purposes in the host district and shall carry an  
34 additional weight of five-tenths in the host district's weighted average daily attendance, or  
35 shall be calculated at the per-pupil amount of the residence district, whichever is higher.  
36 A pupil's residence, for purposes of this section, means residency established under section  
37 167.020, RSMo. Except for students residing in a K-8 district attending high school in a  
38 district under section 167.131, RSMo, the board of the residence district shall pay to the  
39 host district all other state and federal aid attributable to such pupils. No local funds shall  
40 be diverted to the host district under this section.

41 5. Notwithstanding section 167.241, RSMo, relating to transportation of  
42 nonresident pupils, the parent or guardian is responsible for transporting the pupil  
43 without reimbursement. At the discretion of the receiving district based on availability of  
44 bus seats, the pupil may be transported by the parent to and from a point on a regular  
45 school bus route of the receiving district.

46 6. To the extent practical based on available capacity, each public school district  
47 with multiple attendance centers serving the same grade level shall provide intradistrict  
48 open enrollment. A district's intradistrict transfers shall receive priority over interdistrict  
49 transfers. Transportation for students requesting an intradistrict transfer shall be  
50 governed by the provisions of subsection 5 of this section.

51           **7. Students who participate in open enrollment shall be treated like resident**  
52 **students of the host district for school activities participation. Districts and organizations**  
53 **involved in school activities in open enrollment districts shall make a good faith effort to**  
54 **facilitate participation.**

55           **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
56 **that is created under the authority delegated in this section shall become effective only if**  
57 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
58 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
59 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
60 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
61 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
62 **adopted after August 28, 2007, shall be invalid and void.**

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