

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute # 2 for House Bill No. 1543, Page 11, Section 161.650,
Line 30, by inserting immediately after all of said line the following:

"162.1032. 1. For purposes of this section, the following terms shall mean:

(1) "Department", the department of elementary and secondary education;

(2) "Residency", the term as defined under section 167.020;

(3) "School district", a seven director or urban school district, except for an urban school
district containing most or all of a city with a population greater than three hundred fifty thousand
inhabitants.

2. For the school year commencing July 1, 2011, and for each succeeding school year, a
parent or guardian residing in a public school district may enroll his or her child in a public school
in another school district in the manner provided in this section.

3. For a parent or guardian to be able to enroll his or her child in a public school in
another school district, the following shall be required:

(1) The child shall be enrolled in and attending a public school located in Missouri; or

(2) The parent or guardian has registered, or is preparing to register, the child for
kindergarten or first grade.

4. By January fifteenth of the preceding school year, the parent shall send notification to
the school district of residence and the receiving district, on an application or forms prescribed by
the department, that the parent or guardian intends to enroll his or her child in a public school in a
school district other than the school district of residence. If a school district does not have
sufficient capacity to enroll all pupils who submit a timely application, the school district shall
institute an admissions process to ensure all applicants an equal chance of admission, except that a
school district may give preference for admission to siblings of children who are already enrolled
in the school district under this section.

5. If a parent or guardian fails to send notification by January fifteenth as specified in
subsection 4 of this section, the parent or guardian may request transfer until the third Friday in
July of that calendar year, on an application or forms prescribed by the department, by sending
notification to the school district of residence and the receiving district, provided that good cause
exists for the failure to meet the deadline. The board of education for the receiving district shall
determine if good cause exists. For purposes of this subsection, good cause shall mean:

(1) A change in a child's residence due to a change in family residence, a change in the

1 marital status of the child's parent or guardian, a guardianship or custody proceeding, placement in
2 foster care, adoption, participation in a substance abuse or mental health treatment program; or

3 (2) A classification of the child's resident school district as unaccredited by the state board
4 of education.

5 6. Whenever a federal court-ordered desegregation directive exists for a school district,
6 enrollment options under this section are subject to the approval of the court of continuing
7 jurisdiction. The court order shall govern.

8 7. An application for open enrollment may be granted at any time with the approval of the
9 receiving district and the school district of residence. If the request is granted, the board of
10 education of the receiving district shall notify the parent or guardian and the school district of
11 residence within five days. The parent or guardian may withdraw the request to enroll his or her
12 child at any time prior to the start of the school year. A request for enrollment under this section
13 shall be valid for at least one year, and, once granted, shall not require another application until
14 the pupil has completed all grades available in the school district.

15 8. Each school district shall adopt a policy for appropriate class size and teacher-pupil
16 ratios for all grade levels. The policy may allow for a number of spaces to remain open to
17 accommodate potential additional pupils who may reside in the district. No school district shall
18 be required to admit pupils under this section if such admittance would violate its target class size
19 and teacher-pupil ratio under this subsection. If a school district denies enrollment to a pupil
20 under this section, it shall state the grounds for the denial. Each school district shall maintain
21 records on:

22 (1) The number of transfers requested into and out of the district;

23 (2) The number of pupils accepted into the district; and

24 (3) The number of pupils denied enrollment into the district.

25 9. If, after enrolling his or her child in the receiving district, the parent or guardian is
26 dissatisfied, he or she may return his or her child to the school district of residence upon
27 notification to both the receiving district and the school district of residence. However, the parent
28 or guardian shall not be able to reenroll his or her child in the receiving district at a later time. If
29 the parent or guardian desires to enroll his or her child in a school district other than the school
30 district of residence or the initial receiving district, he or she shall follow the procedures identified
31 in this section.

32 10. If a request filed under this section is for a child requiring special education under
33 sections 162.670 to 162.999, the request to transfer to the other district shall only be granted if the
34 individualized education program team in the receiving district verifies that:

35 (1) The receiving district maintains a special education instructional program that is
36 appropriate to meet the child's educational needs; and

1 (2) The enrollment of the child in the receiving district's program would not cause the size
2 of the class in that special education instructional program to exceed the maximum class size
3 established in rules and regulations adopted by the state board of education or federal guidelines
4 for that program.

5 11. For children requiring special education, a member of the individualized education
6 program team in the school district of residence shall be part of the individualized education
7 program team in the receiving district for the initial planning session or sessions. The board of
8 education of the school district of residence shall pay to the receiving district the actual costs
9 incurred in providing the appropriate special education.

10 12. The statewide assessment scores of pupils who enroll in another school district under
11 this section shall be treated in the same manner as the scores of resident pupils in that district.

12 13. If a parent or guardian of a child who is participating in open enrollment under this
13 section moves to a different school district during the course of either district's academic year, the
14 child's first school district of residence shall be responsible for payment of the amount per pupil as
15 calculated under subsection 14 of this section or special education costs to the receiving district
16 for the balance of the school year in which the move occurred. The new district of residence shall
17 be responsible for the payments during subsequent years.

18 14. For each pupil who enrolls in another school district under this section, the department
19 of elementary and secondary education shall calculate the per pupil cost for the student's school
20 district of residence and the receiving district and provide this information to the student's parent
21 or legal guardian, the student's school district of residence, and the receiving district. If the per
22 pupil cost is greater in the receiving district than in the student's school district of residence, the
23 board of education of the receiving district may determine an amount to be paid by the student's
24 parent or legal guardian, not to exceed twenty-five percent of the difference between the two
25 districts' per pupil costs to the receiving district, or one thousand dollars, whichever is less. If the
26 per pupil cost is greater in the student's school district of residence than in the receiving district,
27 the board of education of the receiving district may determine an amount to be paid by the
28 student's school district of residence to it, not to exceed twenty-five percent of the difference
29 between the two districts' per pupil costs to the receiving district, or one thousand dollars,
30 whichever is less. The district of residence shall also pay to the receiving district any other
31 federal or state aid that the district receives on account of such child.

32 15. Payments shall be made to the receiving district from the school district of residence
33 for a child participating in open enrollment under this section at least twice a year. If a timely
34 payment is not made, the receiving district shall be entitled to a late charge of up to three percent a
35 month on the amount overdue, not to exceed three months. When a payment is more than three
36 months past due, the department, upon notice from the receiving district, shall withhold the

1 amount, including interest, from the school district of residence's state school aid and send
2 payment in full to the receiving district.

3 16. If a request to transfer is due to a change in family residence, or where the child
4 resides as a result of a change in a child's parents' marital status, a guardianship proceeding,
5 placement in foster care, adoption, or participation in a substance abuse or mental health treatment
6 program, and the child who is the subject of the request is not currently using any provision of
7 open enrollment under this section, the parent or guardian shall have the option to keep the child
8 enrolled in the child's original school district of residence with no interruption in the educational
9 program. If a parent or guardian exercises this option, the child's new district of residence is not
10 required to pay the amount calculated in subsection 14 of this section until the start of the first full
11 year of enrollment of the child.

12 17. In a public school district that qualified for a small schools grant under section
13 163.044, the addition of up to five percent average daily attendance attributable to open
14 enrollment under this section shall not disqualify the district for the grant. A decrease of less than
15 five percent from the average daily attendance used to determine qualification for the grant that is
16 attributable to open enrollment shall not qualify a school district for the grant.

17 18. Notwithstanding sections 167.131 and 167.241, the parent or guardian shall be
18 responsible for transporting the pupil to school under this section without reimbursement. A
19 school district may provide transportation for a pupil to and from a point on an existing school bus
20 route provided that the parent or guardian transports the pupil to and from such point. Nothing in
21 this subsection shall be construed to prohibit a school district from voluntarily providing such
22 transportation.

23 19. Participation in interscholastic athletics for students enrolling in another school
24 district under this section shall be governed by the Missouri State High School Activities
25 Association's requirements and eligibility criteria and standards.

26 20. The state board of education shall promulgate rules and regulations necessary to
27 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
28 section 536.010, that is created under the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable,
30 section 536.028. This section and chapter 536, are nonseverable and if any of the powers vested
31 with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to
32 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
33 authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.” ; and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.