

SECOND REGULAR SESSION

HOUSE BILL NO. 2462

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DIECKHAUS (Sponsor), EMERY, JONES (89), KOENIG,
McNARY AND SCHARNHORST (Co-sponsors).

5464L.03I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school 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 162.1032, to read as follows:

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

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

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

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

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

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

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

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

16 **4. By January fifteenth of the preceding school year, the parent shall send**
17 **notification to the school district of residence and the receiving district, on an application**

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.

18 or forms prescribed by the department, that the parent or guardian intends to enroll his
19 or her child in a public school in a school district other than the school district of residence.
20 If a school district does not have sufficient capacity to enroll all pupils who submit a timely
21 application, the school district shall institute an admissions process to ensure all applicants
22 an equal chance of admission, except that a school district may give preference for
23 admission to siblings of children who are already enrolled in the school district under this
24 section.

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

32 **(1) A change in a child's residence due to a change in family residence, a change in**
33 **the marital status of the child's parent or guardian, a guardianship or custody proceeding,**
34 **placement in foster care, adoption, participation in a substance abuse or mental health**
35 **treatment program; or**

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

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

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

49 **8. Each school district shall adopt a policy for appropriate class size and teacher-**
50 **pupil ratios for all grade levels. The policy may allow for a number of spaces to remain**
51 **open to accommodate potential additional pupils who may reside in the district. No school**
52 **district shall be required to admit pupils under this section if such admittance would**
53 **violate its target class size and teacher-pupil ratio under this subsection. If a school district**

54 denies enrollment to a pupil under this section, it shall state the grounds for the denial.
55 Each school district shall maintain records on:

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

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

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

59 9. If, after enrolling his or her child in the receiving district, the parent or guardian
60 is dissatisfied, he or she may return his or her child to the school district of residence upon
61 notification to both the receiving district and the school district of residence. However, the
62 parent or guardian shall not be able to reenroll his or her child in the receiving district at
63 a later time. If the parent or guardian desires to enroll his or her child in a school district
64 other than the school district of residence or the initial receiving district, he or she shall
65 follow the procedures identified in this section.

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

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

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

75 11. For children requiring special education, a member of the individualized
76 education program team in the school district of residence shall be part of the
77 individualized education program team in the receiving district for the initial planning
78 session or sessions. The board of education of the school district of residence shall pay to
79 the receiving district the actual costs incurred in providing the appropriate special
80 education.

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

84 13. If a parent or guardian of a child who is participating in open enrollment under
85 this section moves to a different school district during the course of either district's
86 academic year, the child's first school district of residence shall be responsible for payment
87 of the amount per pupil as calculated under subsection 14 of this section or special
88 education costs to the receiving district for the balance of the school year in which the move

89 occurred. The new district of residence shall be responsible for the payments during
90 subsequent years.

91 **14.** For each pupil who enrolls in another school district under this section, the
92 department of elementary and secondary education shall calculate the per pupil cost for
93 the student's school district of residence and the receiving district and provide this
94 information to the student's parent or legal guardian, the student's school district of
95 residence, and the receiving district. If the per pupil cost is greater in the receiving district
96 than in the student's school district of residence, the board of education of the receiving
97 district may determine an amount to be paid by the student's parent or legal guardian, not
98 to exceed twenty-five percent of the difference between the two districts' per pupil costs to
99 the receiving district, or one thousand dollars, whichever is less. If the per pupil cost is
100 greater in the student's school district of residence than in the receiving district, the board
101 of education of the receiving district may determine an amount to be paid by the student's
102 school district of residence to it, not to exceed twenty-five percent of the difference between
103 the two districts' per pupil costs to the receiving district, or one thousand dollars,
104 whichever is less. The district of residence shall also pay to the receiving district any other
105 federal or state aid that the district receives on account of such child.

106 **15.** Payments shall be made to the receiving district from the school district of
107 residence for a child participating in open enrollment under this section at least twice a
108 year. If a timely payment is not made, the receiving district shall be entitled to a late
109 charge of up to three percent a month on the amount overdue, not to exceed three months.
110 When a payment is more than three months past due, the department, upon notice from
111 the receiving district, shall withhold the amount, including interest, from the school district
112 of residence's state school aid and send payment in full to the receiving district.

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

123 **17.** In a public school district that qualified for a small schools grant under section
124 163.044, the addition of up to five percent average daily attendance attributable to open

125 enrollment under this section shall not disqualify the district for the grant. A decrease of
126 less than five percent from the average daily attendance used to determine qualification for
127 the grant that is attributable to open enrollment shall not qualify a school district for the
128 grant.

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

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

138 **20.** The state board of education shall promulgate rules and regulations necessary
139 to implement the provisions of this section. Any rule or portion of a rule, as that term is
140 defined in section 536.010, that is created under the authority delegated in this section shall
141 become effective only if it complies with and is subject to all of the provisions of chapter
142 536, and, if applicable, section 536.028. This section and chapter 536, are nonseverable and
143 if any of the powers vested with the general assembly pursuant to chapter 536, to review,
144 to delay the effective date, or to disapprove and annul a rule are subsequently held
145 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
146 after August 28, 2010, shall be invalid and void.

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