

FIRST REGULAR SESSION

SENATE BILL NO. 370

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 28, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1669S.031

AN ACT

To repeal sections 160.410, 160.415, 160.420, 167.131, 167.241, and 171.171, RSMo, and to enact in lieu thereof six new sections relating to school enrollment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.410, 160.415, 160.420, 167.131, 167.241, and
2 171.171, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 160.410, 160.415, 160.420, 167.131, 167.241, and 171.171, to
4 read as follows:

160.410. 1. A charter school shall enroll:

- 2 (1) All pupils resident in the district in which it operates;
3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program; [and]
5 (3) In the case of a workplace charter school, any student eligible to
6 attend under subdivision (1) or (2) of this subsection whose parent is employed
7 in the business district, who submits a timely application, unless the number of
8 applications exceeds the capacity of a program, class, grade level or building. The
9 configuration of a business district shall be set forth in the charter and shall not
10 be construed to create an undue advantage for a single employer or small number
11 of employers; **and**
12 (4) **Nonresident pupils who reside in a district classified as**
13 **unaccredited by the state board of education who receive a scholarship**
14 **under subsections 3 to 13 of section 167.131.**

15 2. If capacity is insufficient to enroll all pupils who submit a timely

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 application, the charter school shall have an admissions process that assures all
17 applicants of an equal chance of gaining admission except that:

18 (1) A charter school may establish a geographical area around the school
19 whose residents will receive a preference for enrolling in the school, provided that
20 such preferences do not result in the establishment of racially or
21 socioeconomically isolated schools and provided such preferences conform to
22 policies and guidelines established by the state board of education; and

23 (2) A charter school may also give a preference for admission of children
24 whose siblings attend the school or whose parents are employed at the school or
25 in the case of a workplace charter school, a child whose parent is employed in the
26 business district or at the business site of such school.

27 3. A charter school shall not limit admission based on race, ethnicity,
28 national origin, disability, gender, income level, proficiency in the English
29 language or athletic ability, but may limit admission to pupils within a given age
30 group or grade level.

31 4. The department of elementary and secondary education shall
32 commission a study of the performance of students at each charter school in
33 comparison with an equivalent group of district students representing an
34 equivalent demographic and geographic population and a study of the impact of
35 charter schools upon the constituents they serve in the districts in which they are
36 located, to be conducted by the joint committee on education. The charter school
37 study shall include analysis of the administrative and instructional practices of
38 each charter school and shall include findings on innovative programs that
39 illustrate best practices and lend themselves to replication or incorporation in
40 other schools. The joint committee on education shall coordinate with individuals
41 representing charter public schools and the districts in which charter schools are
42 located in conducting the study. The study of a charter school's student
43 performance in relation to a comparable group shall be designed to provide
44 information that would allow parents and educators to make valid comparisons
45 of academic performance between the charter school's students and an equivalent
46 group of district students representing an equivalent demographic and geographic
47 population. The student performance assessment and comparison shall include,
48 but may not be limited to:

49 (1) Missouri assessment program test performance and aggregate growth
50 over several years;

51 (2) Student reenrollment rates;

52 (3) Educator, parent, and student satisfaction data;
53 (4) Graduation rates in secondary programs; and
54 (5) Performance of students enrolled in the same public school for three
55 or more consecutive years. The impact study shall be undertaken every two years
56 to determine the impact of charter schools on the constituents they serve in the
57 districts where charter schools are operated. The impact study shall include, but
58 is not limited to, determining if changes have been made in district policy or
59 procedures attributable to the charter school and to perceived changes in
60 attitudes and expectations on the part of district personnel, school board
61 members, parents, students, the business community and other education
62 stakeholders. The department of elementary and secondary education shall make
63 the results of the studies public and shall deliver copies to the governing boards
64 of the charter schools, the sponsors of the charter schools, the school board and
65 superintendent of the districts in which the charter schools are operated.

66 5. A charter school shall make available for public inspection, and provide
67 upon request, to the parent, guardian, or other custodian of any school-age pupil
68 resident in the district in which the school is located the following information:

69 (1) The school's charter;
70 (2) The school's most recent annual report card published according to
71 section 160.522; and
72 (3) The results of background checks on the charter school's board
73 members. The charter school may charge reasonable fees, not to exceed the rate
74 specified in section 610.026 for furnishing copies of documents under this
75 subsection.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced lunch, special education, or limited English proficiency status,
6 as well as eligibility for categorical aid, of pupils resident in a school district who
7 are enrolled in the charter school to the school district in which those pupils
8 reside. The charter school shall report the average daily attendance data, free
9 and reduced lunch count, special education pupil count, and limited English
10 proficiency pupil count to the state department of elementary and secondary
11 education. Each charter school shall promptly notify the state department of
12 elementary and secondary education and the pupil's school district when a

13 student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection
33 as the disbursal agent and no later than twenty days following the receipt of any
34 such funds. The department of elementary and secondary education shall pay the
35 amounts due when it acts as the disbursal agent within five days of the required
36 due date.

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If

49 a charter school declares itself as a local education agency, the department of
50 elementary and secondary education shall, upon notice of the declaration, reduce
51 the payment made to the school district by the amount specified in this
52 subsection and pay directly to the charter school the annual amount reduced from
53 the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 6. The charter school and a local school board may agree by contract for
71 services to be provided by the school district to the charter school. The charter
72 school may contract with any other entity for services. Such services may include
73 but are not limited to food service, custodial service, maintenance, management
74 assistance, curriculum assistance, media services and libraries and shall be
75 subject to negotiation between the charter school and the local school board or
76 other entity. Documented actual costs of such services shall be paid for by the
77 charter school.

78 7. A charter school may enter into contracts with community partnerships
79 and state agencies acting in collaboration with such partnerships that provide
80 services to children and their families linked to the school.

81 8. A charter school shall be eligible for transportation state aid pursuant
82 to section 163.161 and shall be free to contract with the local district, or any
83 other entity, for the provision of transportation to the students of the charter
84 school.

85 9. (1) The proportionate share of state and federal resources generated
86 by students with disabilities or staff serving them shall be paid in full to charter
87 schools enrolling those students by their school district where such enrollment is
88 through a contract for services described in this section. The proportionate share
89 of money generated under other federal or state categorical aid programs shall
90 be directed to charter schools serving such students eligible for that aid.

91 (2) A charter school district shall provide the special services provided
92 pursuant to section 162.705 and may provide the special services pursuant to a
93 contract with a school district or any provider of such services.

94 10. A charter school may [not] charge tuition, [nor] **but it may [it] not**
95 impose fees that a school district is prohibited from imposing, **except that a**
96 **charter school may accept a scholarship for a pupil transferring under**
97 **subsections 3 to 13 of section 167.131.**

98 11. A charter school is authorized to incur debt in anticipation of receipt
99 of funds. A charter school may also borrow to finance facilities and other capital
100 items. A school district may incur bonded indebtedness or take other measures
101 to provide for physical facilities and other capital items for charter schools that
102 it sponsors or contracts with. Upon the dissolution of a charter school, any
103 liabilities of the corporation will be satisfied through the procedures of chapter
104 355.

105 12. Charter schools shall not have the power to acquire property by
106 eminent domain.

107 13. The governing body of a charter school is authorized to accept grants,
108 gifts or donations of any kind and to expend or use such grants, gifts or
109 donations. A grant, gift or donation may not be accepted by the governing body
110 if it is subject to any condition contrary to law applicable to the charter school or
111 other public schools, or contrary to the terms of the charter.

160.420. 1. Any school district in which charter schools may be
2 established under sections 160.400 to 160.420 shall establish a uniform policy
3 which provides that if a charter school offers to retain the services of an employee
4 of a school district, and the employee accepts a position at the charter school, an
5 employee at the employee's option may remain an employee of the district and the
6 charter school shall pay to the district the district's full costs of salary and
7 benefits provided to the employee. The district's policy shall provide that any
8 teacher who accepts a position at a charter school and opts to remain an employee
9 of the district retains such teacher's permanent teacher status and retains such

10 teacher's seniority rights in the district for three years. The school district shall
11 not be liable for any such employee's acts while an employee of the charter school.

12 2. A charter school may employ noncertificated instructional personnel;
13 provided that no more than twenty percent of the full-time equivalent
14 instructional staff positions at the school are filled by noncertificated personnel.
15 All noncertificated instructional personnel shall be supervised by certificated
16 instructional personnel. A charter school that has a foreign language immersion
17 experience as its chief educational mission, as stated in its charter, shall not be
18 subject to the twenty-percent requirement of this subsection but shall ensure that
19 any teachers whose duties include instruction given in a foreign language have
20 current valid credentials in the country in which such teacher received his or her
21 training and shall remain subject to the remaining requirements of this
22 subsection. The charter school shall ensure that all instructional employees of
23 the charter school have experience, training and skills appropriate to the
24 instructional duties of the employee, and the charter school shall ensure that a
25 criminal background check and child abuse registry check are conducted for each
26 employee of the charter school prior to the hiring of the employee. The charter
27 school may not employ instructional personnel whose certificate of license to
28 teach has been revoked or is currently suspended by the state board of
29 education. Appropriate experience, training and skills of noncertificated
30 instructional personnel shall be determined considering:

- 31 (1) Teaching certificates issued by another state or states;
32 (2) Certification by the National Standards Board;
33 (3) College degrees in the appropriate field;
34 (4) Evidence of technical training and competence when such is
35 appropriate; and
36 (5) The level of supervision and coordination with certificated
37 instructional staff.

38 3. Personnel employed by the charter school shall participate in the
39 retirement system of the school district in which the charter school is located,
40 subject to the same terms, conditions, requirements and other provisions
41 applicable to personnel employed by the school district. For purposes of
42 participating in the retirement system, the charter school shall be considered to
43 be a public school within the school district, and personnel employed by the
44 charter school shall be public school employees. In the event of a lapse of the
45 school district's corporate organization as described in subsections 1 and 4 of

46 section 162.081, personnel employed by the charter school shall continue to
47 participate in the retirement system and shall do so on the same terms,
48 conditions, requirements and other provisions as they participated prior to the
49 lapse.

50 4. The charter school and a local school board may agree by contract for
51 services to be provided by the school district to the charter school. The charter
52 school may contract with any other entity for services. Such services may include
53 but are not limited to food service, custodial service, maintenance, management
54 assistance, curriculum assistance, media services and libraries and shall be
55 subject to negotiation between the charter school and the local school board or
56 other entity. Documented actual costs of such services shall be paid for by the
57 charter school.

58 5. A charter school may enter into contracts with community partnerships
59 and state agencies acting in collaboration with such partnerships that provide
60 services to children and their families linked to the school.

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62 to section 163.161 and shall be free to contract with the local district, or any
63 other entity, for the provision of transportation to the students of the charter
64 school.

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66 by students with disabilities or staff serving them shall be paid in full to charter
67 schools enrolling those students by their school district where such enrollment is
68 through a contract for services described in this section. The proportionate share
69 of money generated under other federal or state categorical aid programs shall
70 be directed to charter schools serving such students eligible for that aid.

71 (2) A charter school district shall provide the special services provided
72 pursuant to section 162.705 and may provide the special services pursuant to a
73 contract with a school district or any provider of such services.

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75 impose fees that a school district is prohibited from imposing, **except that a**
76 **charter school may accept a scholarship for a pupil transferring under**
77 **subsections 3 to 13 of section 167.131.**

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79 of funds. A charter school may also borrow to finance facilities and other capital
80 items. A school district may incur bonded indebtedness or take other measures
81 to provide for physical facilities and other capital items for charter schools that

82 it sponsors or contracts with. Upon the dissolution of a charter school, any
83 liabilities of the corporation will be satisfied through the procedures of chapter
84 355.

85 10. Charter schools shall not have the power to acquire property by
86 eminent domain.

87 11. The governing body of a charter school is authorized to accept grants,
88 gifts or donations of any kind and to expend or use such grants, gifts or
89 donations. A grant, gift or donation may not be accepted by the governing body
90 if it is subject to any condition contrary to law applicable to the charter school or
91 other public schools, or contrary to the terms of the charter.

167.131. 1. The board of education of each district in this state that does
2 not maintain an accredited school **for a specific range of grades** pursuant to
3 the authority of the state board of education to classify schools as established in
4 section 161.092 shall pay the tuition of and provide transportation consistent with
5 the provisions of section 167.241 for each pupil resident therein who attends an
6 accredited school in another district of the same or an adjoining county.

7 2. The rate of tuition to be charged by the district attended and paid by
8 the sending district is the per pupil cost of maintaining the district's grade level
9 grouping which includes the school attended. The cost of maintaining a grade
10 level grouping shall be determined by the board of education of the district but
11 in no case shall it exceed all amounts spent for teachers' wages, incidental
12 purposes, debt service, maintenance and replacements. The term "debt service",
13 as used in this section, means expenditures for the retirement of bonded
14 indebtedness and expenditures for interest on bonded indebtedness. Per pupil
15 cost of the grade level grouping shall be determined by dividing the cost of
16 maintaining the grade level grouping by the average daily pupil attendance. If
17 there is disagreement as to the amount of tuition to be paid, the facts shall be
18 submitted to the state board of education, and its decision in the matter shall be
19 final. Subject to the limitations of this section, each pupil shall be free to attend
20 the public school of his or her choice.

21 **3. The board of education of each district in this state that has**
22 **been declared unaccredited pursuant to the authority of the state board**
23 **of education as established in section 161.092 shall provide a**
24 **scholarship to any resident pupil of the district to attend a school of his**
25 **or her choice, as provided in subsection 5 of this section, in a school**
26 **district of the same or an adjoining county. The amount of the**

27 scholarship shall be as provided in subsection 4 of this section. The
28 department of elementary and secondary education shall administer
29 the scholarship program.

30 4. The amount of the scholarship shall be:

31 (1) For residents of a metropolitan school district or an urban
32 school district containing most or all of a city with a population greater
33 than three hundred fifty thousand inhabitants, the cost of attendance
34 at the receiving school, or two-thirds of the district of residence's per
35 pupil expenditure, whichever is less; or

36 (2) For residents of all other school districts, the per pupil
37 expenditure of the receiving school or pupil's school district of
38 residence, whichever is less.

39 5. The pupil may use the scholarship to attend an accredited
40 nonpublic school, virtual school, charter school, or accredited school
41 district that may accept him or her. No accredited school district shall
42 be required to accept any nonresident pupil of an unaccredited district
43 unless the pupil can affirmatively demonstrate that he or she has
44 applied to and been rejected by seven schools. After seven rejections,
45 the accredited school district of the pupil's choice that is located in the
46 same or an adjoining county to the unaccredited district of residence
47 shall be required to enroll the pupil.

48 6. The parent or guardian of a pupil residing in a district
49 classified as unaccredited by the state board of education who intends
50 to enroll the parent's or guardian's child in an accredited nonpublic
51 school, virtual school, charter school, or accredited school in the same
52 or an adjoining county under the provisions of this section shall send
53 initial notification to the pupil's school district of residence and the
54 department of elementary and secondary education. Initial notification
55 shall be made by January fifteenth for enrollment in the subsequent
56 school year.

57 7. (1) If a parent or guardian fails to file the initial notification
58 forms by the deadline specified in subsection 6 of this section and
59 satisfies the definition of good cause as defined in subdivision (3) of
60 this subsection, or if the request is to enroll a child in a nonpublic
61 school, virtual school, charter school, or accredited school district
62 under this section for kindergarten or first grade or in any grade if a
63 child is moving into Missouri or moving into the public school district

64 for the first time, the parent or guardian shall be permitted to enroll
65 the child in the other district in the same manner as if the deadline had
66 been met.

67 (2) After January fifteenth and until March fifteenth of that
68 calendar year, or the first business day after March fifteenth if March
69 fifteenth falls on a weekend, the parent or guardian requesting transfer
70 shall send notification to the district of residence and the department
71 of elementary and secondary education, on forms prescribed by the
72 department of elementary and secondary education, that good cause,
73 as defined in subdivision (3) of this subsection, exists for failure to
74 meet the deadline. The department of elementary and secondary
75 education shall take action to approve the request if good cause exists.
76 A denial of a request by the department of elementary and secondary
77 education is not subject to appeal.

78 (3) For purposes of this section, "good cause" means a change in
79 a child's residence due to a change in family residence, a change in a
80 child's parents' marital status, a guardianship or custody proceeding,
81 placement in foster care, adoption, participation in a substance abuse
82 or mental health treatment program, or student health or safety
83 concerns; or a change in the status of a child's resident district, such
84 as removal of accreditation by the state board, permanent closure of a
85 public or nonpublic school that the child attends, or revocation of a
86 charter school's charter as provided in section 160.405. If the good
87 cause relates to a change in status of a child's school district of
88 residence, however, action by a parent or guardian must be taken to
89 file the notification within forty-five days of the last official action
90 relating to such status. Student health or safety concerns shall include,
91 but not be limited to ongoing bullying, supported by official school
92 reports, sexual misconduct complaints, reports, or investigations, and
93 drug or alcohol concerns with peers. If the district does not agree with
94 the parent's or child's concerns, a written notice of need for relocation
95 from a medical or mental health professional shall suffice to satisfy
96 "good cause" under this subsection.

97 8. Any unaccredited district shall report to the department of
98 elementary and secondary the number of its resident pupils who attend
99 an accredited district, charter school, virtual school or nonpublic
100 school in the same or an adjoining county under this section and the

101 amount of the scholarship paid on behalf of each student. For any
102 pupil residing in an unaccredited district who attends an accredited
103 district, charter school, virtual school or nonpublic school in the same
104 or an adjoining county under this section:

105 (1) The department of elementary and secondary education shall
106 withhold the weighted state aid attributable to such pupil from the
107 district of residence's state aid payments; and

108 (2) The local county assessor and collector shall withhold all
109 local effort attributable to such pupils and forward it to the department
110 of elementary and secondary education, to distribute to the receiving
111 district school.

112 From these funds, the department shall pay the necessary scholarship
113 amount to an accredited district, charter school, or virtual school in
114 two payments annually, one at the start of the school year and one
115 approximately halfway through the school year. For any nonpublic
116 school, the department shall issue a check payable to the receiving
117 school that shall be endorsed by the receiving school and the pupil's
118 parent or guardian. For each pupil who receives a scholarship under
119 this section, the department of elementary and secondary education
120 may receive an administrative fee of up to five hundred dollars, to be
121 paid from the money withheld from the school district of residence by
122 the department.

123 9. A parent or guardian of a pupil residing in an unaccredited
124 school district who intends to enroll his or her child in a charter school
125 operating in a school district located in the same or an adjoining
126 county shall follow admission procedures identified in section 160.410.

127 10. Any accredited district that enrolls nonresident pupils from
128 a district classified as unaccredited by the state board of education
129 under this section shall administer the Missouri assessment program
130 for such nonresident pupils. The results shall be reported in aggregate
131 form. Any nonpublic school that receives and enrolls pupils under this
132 section may inform and advise such students about the Missouri
133 assessment program and may refer those transfer pupils under this
134 section to the local school district for completion of the Missouri
135 assessment program. A nonpublic school may also, but shall not be
136 required to, administer the Missouri assessment program for any
137 transfer pupils who enroll under this section. Any such results shall be

138 reported in aggregate form and shall not identify any individual pupil.

139 11. School districts shall keep records of numbers of transfers
140 requested into and out of the district and the numbers accepted. These
141 records shall be publicly available, shall be included in the annual
142 report card under section 160.522, and if the district has a web site, the
143 district shall post the records for the three most recent years. These
144 records shall also be reported annually to the department of
145 elementary and secondary education by a date specified by the
146 department.

147 12. The department of elementary and secondary education shall
148 be responsible for coordinating transportation in the most effective and
149 efficient manner, which may include coordinating hubs along an
150 existing bus route. Pupils who attend a charter school, virtual school,
151 nonpublic school, or accredited district as a result of receiving a
152 scholarship under this section shall have access to such transportation
153 and shall be transported to their school of enrollment. The department
154 may contract with private transportation providers. The parent or
155 guardian of a pupil residing in an unaccredited district may transport
156 the pupil to the receiving district without reimbursement. The pupil
157 may be transported by the parent to and from a point on a regular
158 school bus route of the receiving district. Nothing in this subsection
159 shall be construed to prohibit a district to be compensated for use of
160 school buses for any purpose the school district deems necessary and
161 appropriate to accomplish the ends of this section. Nothing shall
162 prohibit a receiving district or school from voluntarily providing
163 transportation for such pupils for an agreed upon payment or from
164 entering into an agreement with the sending district for payment for
165 transportation for such pupils.

166 13. Student transfers from an unaccredited district under this
167 section shall continue until the district has been classified as
168 accredited by the state board of education for five consecutive
169 years. Any resident pupil of an unaccredited district who has enrolled
170 in another school or school district under this section may continue to
171 attend and complete all grade levels offered in the school or district if
172 the pupil's district of residence has been classified as accredited by the
173 state board of education for five consecutive years.

167.241. Transportation for pupils whose tuition the district of residence

2 is required to pay by section 167.131 or who are assigned as provided in section
3 167.121 shall be provided by the district of residence; however, in the case of
4 pupils covered by section 167.131, the district of residence shall be required to
5 provide transportation only to school districts accredited by the state board of
6 education pursuant to the authority of the state board of education to classify
7 schools as established in section 161.092, **any school that enrolls a pupil**
8 **receiving a scholarship under subsections 3 to 13 of section 167.131**, and
9 those school districts designated by the board of education of the district of
10 residence.

171.171. 1. Work completed in schools accredited by the state board of
2 education shall be given full credit in requirements for entrance to and
3 classification in any educational institution supported in whole or in part by state
4 appropriation.

5 **2. When a student transfers into an accredited public school**
6 **district from an unaccredited public or nonpublic school, or from a**
7 **home school, the district shall provide the student and parent or**
8 **guardian with a written explanation of the enrollment, credit issuance,**
9 **grade level placement, and appeal process along with the board policy**
10 **on these topics. The district shall review the student's course work,**
11 **achievement test scores, transcript, and any other performance data**
12 **from his or her previous school, including any records kept under**
13 **section 167.031 to determine the issuing of course credits and grade**
14 **level placement. If the district is unable to determine the credits**
15 **earned or grade level placement based on the documentation provided,**
16 **the district may administer some other proficiency assessment as set**
17 **by school board policy. If the assessment selected by the district is not**
18 **a recognized national or state assessment, course curricular objectives**
19 **shall be provided to the student and parent or guardian prior to the**
20 **test. Course credit shall be awarded based on a passing grade**
21 **determined by what is considered passing to regularly enrolled**
22 **students in the district. The district shall provide a determination of**
23 **the course credits and grade level placement to the student and his or**
24 **her parent or guardian within thirty calendar days of the request for**
25 **enrollment and provision of course documentation by the student and**
26 **parent or guardian.**

27 **3. Board of education policies for determining the issuance of**

28 credits and grade level placement of transfer students shall be
29 reasonable and nondiscriminatory. Elective credit may be awarded for
30 religious course work or other course work not recognized as fulfilling
31 the district curricular objectives but which meet the documentation
32 requirements of this section or section 167.031 as applicable. The
33 district shall work with the student and the student's parents or
34 guardian to determine the best grade level placement based on the
35 credits earned and the student's age, and devise a program of studies
36 that, if completed, will earn a high school diploma.

Unofficial ✓

Bill

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