

SECOND REGULAR SESSION

HOUSE BILL NO. 2431

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

6295H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to compensatory educational services for former charter school students.

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 known as section 162.728, to read as follows:

162.728. 1. If a student attends a noncharter public school in a district immediately after attending a charter school for at least one school year; the student previously attended any noncharter public school in the same district immediately before his or her transfer to the charter school; and the student received special educational services before, during, and after his or her attendance at the charter school, the charter school that the student attended shall pay the noncharter public school of current attendance expenses for compensatory educational services as described in subsection 2 of this section if:

(1) Testing of the student by the public school of current attendance within six months of the student's return to the district demonstrates a regression in his or her skills;
or

(2) Testing of the student by the public school of current attendance within six months of his or her return to the district demonstrates that the student is performing below his or her peers to a greater degree than existed immediately before his or her transfer to the charter school.

2. The public school of current attendance shall receive from the charter school the amount necessary to cover all expenses associated with the compensatory educational services required for the student to correct for any regression or performance gap

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 described in subsection 1 of this section. The public school of current attendance shall
19 track the expenses, calculate the amount to be paid, and bill the charter school accordingly.
20 Payments shall be made before July first of each year and shall continue as long as such
21 compensatory educational services are necessary.

22 3. Any dispute between the public school of current attendance and the charter
23 school as to the amount owed to the public school of current attendance shall be resolved
24 by the department of elementary and secondary education. The decision of the department
25 of elementary and secondary education shall be the final administrative action for purposes
26 of review under chapter 536.

27 4. The department of elementary and secondary education shall promulgate rules
28 to implement the provisions of this section including, but not limited to, the requirements
29 related to the expenses to be paid by the charter school. Any rule or portion of a rule, as
30 that term is defined in section 536.010, that is created under the authority delegated in this
31 section shall become effective only if it complies with and is subject to all of the provisions
32 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
33 nonseverable, and if any of the powers vested with the general assembly pursuant to
34 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
35 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
36 proposed or adopted after August 28, 2018, shall be invalid and void.

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