

Section 161.670, RSMo, the “MOCAP” statute, requires districts to adopt an enrollment policy that treats requests to enroll in MOCAP courses in a manner substantially similar to other enrollment requests. Further, the statute indicates that if a student is denied enrollment, the denial must be made in writing and must be for “good cause” based on the student’s best educational interest. These two requirements should be harmonized at the local level for the benefit of students.

The required enrollment policy can and should guide processes and timelines for decision making. The policy should be developed to address what is in the best educational interest of students *generally*. For instance, changes of course enrollments may be restricted to the first few days of a semester to avoid students having to catch up with early work. However, the policy should provide for allowances for late enrollments for new students and to address situations where a student’s current schedule or courses are not meeting their needs.

The requirement that denials of enrollment requests be made based on the student’s best educational interest is an *individualized*, rather than generalized, decision. If a student requests enrollment in a MOCAP course after the previous window for changes has closed, the school should consider whether the change of courses is in their best interest because of the timing of the request. The school should also consider whether the student’s situation is exceptional or has extenuating circumstances that would warrant an approval.

In all situations, the policy and decision making should reconcile to federal requirements if a student has an Individualized Education Program pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq., and its implementation regulations at 34 C.F.R. § 300) or a Section 504 plan pursuant to the Americans with Disabilities Act (Section 504) (42 U.S.C. § 12101, et seq., and its implementation regulations at 34 C.F.R. § 104 ). In these cases, the federal law supersedes the state law.

In summary, the policy and individual decision making about course enrollments should work together for students’ best educational interests. The policy addresses the issue generally and the decision making addresses the individual student.