

FIRST REGULAR SESSION

# HOUSE BILL NO. 820

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOKSON.

1043H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 167, RSMo, by adding thereto eight new sections relating to the public school parental choice act.

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

Section A. Chapter 167, RSMo, is amended by adding thereto eight new sections, to be  
2 known as sections 167.1000, 167.1010, 167.1020, 167.1030, 167.1040, 167.1050, 167.1060, and  
3 167.1070, to read as follows:

167.1000. Sections 167.1000 to 167.1070 shall be known and may be cited as the  
2 "Public School Parental Choice Act".

167.1010. For purposes of sections 167.1010 to 167.1070, the following terms mean:

2 (1) "Nonresident district", a school district other than a student's resident district;

3 (2) "Parent", a student's parent, guardian, or other person having custody or care  
4 of the student;

5 (3) "Parental choice transfer student", a public school student in kindergarten  
6 through grade twelve who transfers to a nonresident district through a public school  
7 parental choice option under sections 167.1000 to 167.1070;

8 (4) "Resident district", the school district in which the student resides;

9 (5) "Sibling", each of two or more children having a parent in common by blood,  
10 adoption, marriage, or foster care.

167.1020. 1. A public school parental choice program is established to enable a  
2 student in kindergarten through grade twelve to attend a school in a nonresident district,  
3 subject to the limitations under section 167.1050.

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.

4           **2. Each school district shall participate in a public school parental choice program**  
5 **consistent with sections 167.1000 to 167.1070.**

6           **3. Sections 167.1000 to 167.1070 do not require a school district to add teachers,**  
7 **staff, or classrooms, or in any way to exceed the requirements and standards established**  
8 **by existing law.**

9           **4. (1) The board of education of a school district shall adopt by resolution specific**  
10 **standards for acceptance and rejection of transfer applications under section 167.1040.**

11           **(2) The standards may include, without limitation, the capacity of a program, class,**  
12 **grade level, or school building.**

13           **(3) The standards shall include a statement that priority will be given to an**  
14 **applicant who has a sibling or stepsibling who:**

15           **(a) Resides in the same household; and**

16           **(b) Is already enrolled in the nonresident district by parental choice.**

17           **(4) The standards shall not include an applicant's:**

18           **(a) Academic achievement;**

19           **(b) Athletic or other extracurricular ability;**

20           **(c) English proficiency level; or**

21           **(d) Previous disciplinary proceedings; except that, an expulsion from another**  
22 **district may be included.**

23           **(5) A school district receiving parental choice transfer students shall not**  
24 **discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.**

25           **5. A nonresident district shall:**

26           **(1) Accept credits toward graduation that were awarded by another district to a**  
27 **parental choice transfer student; and**

28           **(2) Award a diploma to a parental choice transfer student if the student meets the**  
29 **nonresident district's graduation requirements.**

30           **6. The superintendent of a school district shall cause public announcements to be**  
31 **made over the broadcast media and either in the print media or on the internet to inform**  
32 **parents of students in adjoining districts of the:**

33           **(1) Availability of the program established under sections 167.1000 to 167.1070;**

34           **(2) Application deadline; and**

35           **(3) Requirements and procedure for nonresident students to participate in the**  
36 **program.**

**167.1030. 1. A student may accept only one parental choice transfer per school**  
2 **year.**

3           **2. (1) A student who accepts a public school parental choice transfer may return**  
4 **to his or her resident district during the school year.**

5           **(2) If a transferred student returns to his or her resident district, the student's**  
6 **transfer is voided, and the student shall reapply if the student seeks a future public school**  
7 **parental choice transfer.**

8           **3. (1) Except as otherwise provided in this subsection, a parental choice transfer**  
9 **student attending school in a nonresident district may complete all remaining school years**  
10 **in the nonresident district.**

11           **(2) A present or future sibling of a parental choice transfer student who continues**  
12 **enrollment in a nonresident district may enroll in or continue enrollment in that**  
13 **nonresident district until his or her sibling completes his or her secondary education, if the**  
14 **district has the capacity to accept the sibling without adding teachers, staff, or classrooms**  
15 **or exceeding the regulations and standards established by law.**

16           **4. (1) The parental choice transfer student or the parental choice transfer student's**  
17 **parent is responsible for the transportation of the parental choice transfer student to and**  
18 **from the school in the nonresident district where the parental choice transfer student is**  
19 **enrolled.**

20           **(2) The nonresident district may enter into a written agreement with the parental**  
21 **choice transfer student, the student's parent, or the resident district to provide the**  
22 **transportation.**

23           **(3) The state board of education may resolve disputes concerning transportation**  
24 **arising under this subsection.**

25           **5. Notwithstanding the provisions of chapter 163 to the contrary, for the purposes**  
26 **of determining state aid, a parental choice transfer student shall be counted as a resident**  
27 **pupil of the nonresident district in which he or she is enrolled.**

28           **6. (1) Except as otherwise provided under this subsection, the resident district shall**  
29 **send to the nonresident district in which the parental choice transfer student enrolls the**  
30 **average of:**

31           **(a) The average sum produced per child by the local tax effort of the resident**  
32 **district; and**

33           **(b) The average sum produced per child by the local tax effort of the nonresident**  
34 **district.**

35           **(2) If the average sum produced per child by the local tax effort of the resident**  
36 **district is three or more times greater than the average sum produced per child by the local**  
37 **tax effort of the nonresident district in which the parental choice transfer student enrolls,**  
38 **the resident district shall not send the nonresident district the amount described under**

39 subdivision (1) of this subsection but shall instead send the nonresident district the amount  
40 of the state adequacy target, as defined in section 163.011.

41 (3) If the average sum produced per child by the local tax effort of the nonresident  
42 district in which the parental choice transfer student enrolls is three or more times greater  
43 than the average sum produced per child by the local tax effort of the resident district, the  
44 resident district shall not send the nonresident district the amount described under  
45 subdivision (1) of this subsection but shall instead send the nonresident district the average  
46 sum produced per child by the local tax effort of the resident district.

47 7. Students shall not enroll in a nonresident district under sections 167.1000 to  
48 167.1070 in any school year before school year 2018-19.

167.1040. 1. If a student seeks to attend a school in a nonresident district under  
2 sections 167.1000 to 167.1070, the student's parent shall submit an application:

3 (1) To the nonresident district with a copy to the resident district;

4 (2) On a form, approved by the department of elementary and secondary  
5 education, that contains the address of the student's parent; and

6 (3) Postmarked before June second of the calendar year in which the student seeks  
7 to begin the fall semester at the nonresident district.

8 2. A nonresident district that receives an application under subsection 1 of this  
9 section shall, upon receipt of the application, place a date and time stamp on the  
10 application that reflects the date and time the nonresident district received the application.

11 3. A nonresident district shall review and make a determination on each application  
12 in the order in which the application was received by the nonresident district.

13 4. Before accepting or rejecting an application, a nonresident district shall  
14 determine whether one of the limitations under section 167.1050 applies to the application.

15 5. (1) Before August first of the school year in which the student seeks to enroll in  
16 a nonresident district under sections 167.1000 to 167.1070, the superintendent of the  
17 nonresident district shall notify the parent and the resident district in writing as to whether  
18 the student's application has been accepted or rejected. The notification shall be sent by  
19 first-class mail to the address on the application.

20 (2) If the application is rejected, the superintendent of the nonresident district shall  
21 state in the notification letter the reason for the rejection.

22 (3) If the application is accepted, the superintendent of the nonresident district shall  
23 state in the notification letter:

24 (a) A reasonable deadline by which the student shall enroll in the nonresident  
25 district and after which the acceptance notification is null; and

26           (b) Instructions for the procedures established by the nonresident district for  
27 renewing enrollment in the nonresident district each year.

          167.1050. 1. If sections 167.1000 to 167.1070 conflict with a provision of an  
2 enforceable desegregation court order or a district's court-approved desegregation plan  
3 regarding the effects of past racial segregation in student assignment, the provisions of the  
4 order or plan shall govern.

5           2. (1) A school district may annually declare an exemption from sections 167.1000  
6 to 167.1070 if the school district is subject to a desegregation order or mandate of a federal  
7 court or agency remedying the effects of past racial segregation or subject to a settlement  
8 agreement remedying the effects of past racial segregation.

9           (2) An exemption declared by a board of education of a school district under  
10 subdivision (1) of this subsection is irrevocable for one year from the date the school  
11 district notifies the department of elementary and secondary education of the declaration  
12 of exemption.

13           (3) After each year of exemption, the board of education of a school district may  
14 elect to participate in public school parental choice under sections 167.1000 to 167.1070 if  
15 the school district's participation does not conflict with the school district's federal court-  
16 ordered desegregation program or settlement agreement remedying the effects of past  
17 racial segregation.

18           (4) A school district shall notify the department of elementary and secondary  
19 education before April first if in the next school year the school district intends to:

20           (a) Declare an exemption under subdivision (1) of this subsection; or

21           (b) Resume participation after a period of exemption.

22           3. (1) If a school district has more parental choice transfer students transferring  
23 out of the district than transferring into the district in a school year, the difference between  
24 the number of parental choice transfer students transferring out of the district minus the  
25 number of parental choice transfer students transferring into the district shall not exceed  
26 five percent of the district's average daily attendance, as defined under section 163.011, for  
27 the immediately preceding school year.

28           (2) A student eligible to transfer under section 167.131, sections 162.1040 to  
29 162.1061, or any section other than sections 167.1000 to 167.1070 shall not count against  
30 the cap of five percent described under subdivision (1) of this subsection.

31           (3) Annually before June first, the department of elementary and secondary  
32 education shall report to each school district the net maximum number of public school  
33 parental choice transfers for the school year to begin July first.

34           (4) If a student is unable to transfer due to the limits under this subsection, the  
35 resident district shall give the student priority for a transfer in the following school year  
36 in the order that the resident district receives notices of application under section 167.1040,  
37 as evidenced by a notation made by the district on the applications indicating date and time  
38 of receipt.

39           4. (1) Any student who transfers to a nonresident district under section 167.131,  
40 sections 162.1040 to 162.1061, or any section other than sections 167.1000 to 167.1070 shall  
41 not be subject to any requirements under sections 167.1000 to 167.1070.

42           (2) Districts receiving transfer students or sending transfer students to nonresident  
43 districts under section 167.131, sections 162.1040 to 162.1061, or any section other than  
44 sections 167.1000 to 167.1070 shall not be subject to any requirements under sections  
45 167.1000 to 167.1070 for those transfer students.

46           5. A student transferring to a nonresident district under sections 167.1000 to  
47 167.1070 shall not be considered a transfer student under any law relating to another  
48 transfer program or procedure that allows students to transfer out of their resident  
49 districts.

          167.1060. 1. A student whose application for a transfer under section 167.1040 is  
2 rejected by the nonresident district may request a hearing before the state board of  
3 education to reconsider the transfer.

4           2. A request for a hearing before the state board of education shall be in writing  
5 and shall be postmarked no later than ten calendar days, excluding weekends and legal  
6 holidays, after the student or the student's parent receives a notice of rejection of the  
7 application under section 167.1040.

8           3. Contemporaneously with the filing of the written appeal under subsection 2 of  
9 this section, the student or the student's parent shall also mail a copy of the written appeal  
10 to the superintendent of the nonresident district.

11           4. In the written appeal, the student or student's parent shall state his or her basis  
12 for appealing the decision of the nonresident district.

13           5. The student or the student's parent shall submit, along with the written appeal,  
14 a copy of the notice of rejection from the nonresident district.

15           6. As part of the review process, the student or student's parent may submit  
16 supporting documentation that the transfer would be in the best educational, social, or  
17 psychological interest of the student.

18           7. The nonresident district may submit, in writing, any additional information,  
19 evidence, or arguments supporting its rejection of the student's application by mailing such

20 response to the state board of education. Such response shall be postmarked no later than  
21 ten days after the nonresident district receives the student's or parent's appeal.

22 8. Contemporaneously with the filing of its response under subsection 7 of this  
23 section, the nonresident district shall also mail a copy of the response to the student or  
24 student's parent.

25 9. If the state board of education overturns the determination of the nonresident  
26 district on appeal, the state board of education shall notify the parent, the nonresident  
27 district, and the resident district of the basis for its decision.

28 10. (1) The department of elementary and secondary education shall collect data  
29 from school districts on the number of applications for student transfers under sections  
30 167.1000 to 167.1070 and study the effects of public school parental choice transfers under  
31 sections 167.1000 to 167.1070. The department of elementary and secondary education  
32 shall consider, as part of its study, the net maximum number of transfers and exemptions  
33 for both resident and nonresident districts for up to two years to determine if a racially  
34 segregative impact has occurred to any school district.

35 (2) Annually before October first, the department of elementary and secondary  
36 education shall report its findings from the study of the data under subdivision (1) of this  
37 subsection to the house committee on elementary and secondary education, or any other  
38 education committee designated by the speaker of the house of representatives, and the  
39 senate committee on education or any other education committee designated by the  
40 president pro tempore of the senate.

167.1070. The following procedures shall apply to hearings conducted by the state  
2 board of education in accordance with section 167.1060:

3 (1) A staff member of the department of elementary and secondary education shall  
4 introduce the agenda item;

5 (2) All persons wishing to testify before the state board of education shall first be  
6 placed under oath by the president of the state board of education;

7 (3) Each party shall have the opportunity to present an opening statement of no  
8 longer than five minutes, beginning with the nonresident district. The president of the  
9 state board of education may, for good cause shown and upon request of either party, allow  
10 either party additional time to present its opening statement;

11 (4) Each party shall be given twenty minutes to present its case, beginning with the  
12 nonresident district. The president of the state board of education may, for good cause  
13 shown and upon request of either party, allow either party additional time to present its  
14 case;

15           **(5) The state board of education, at its discretion, shall have the authority to**  
16 **require any person associated with the application to appear in person before the state**  
17 **board of education as a witness during the hearing. The state board of education may**  
18 **accept testimony by affidavit, declaration, or deposition;**

19           **(6) Every witness may be subject to direct examination, cross-examination, and**  
20 **questioning by the state board of education;**

21           **(7) For the purposes of the record, documents offered during the hearing by the**  
22 **nonresident district shall be clearly marked in sequential, numeric order;**

23           **(8) For the purposes of the record, documents offered during the hearing by the**  
24 **appealing party shall be clearly marked in sequential, alphabetic letters;**

25           **(9) The nonresident district shall have the burden of proof in proving the basis for**  
26 **the denial of the transfer;**

27           **(10) The state board of education may sustain the rejection of the nonresident**  
28 **district or grant the appeal;**

29           **(11) The state board of education may announce its decision immediately after**  
30 **hearing all arguments and evidence or may take the matter under advisement; and**

31           **(12) The state board of education shall provide a written decision to the department**  
32 **of elementary and secondary education, the appealing party, the nonresident district, and**  
33 **the resident district within fourteen days of the conclusion of the hearing under this**  
34 **section.**

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