

HOUSE AMENDMENT NO. _____
TO
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Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 681 & 662, Page 1, Line 5, by deleting all of the said line and inserting in lieu thereof the following:

163.161. 1. Any school district which makes provision for transporting pupils as provided in section 162.621 and sections 167.231 and 167.241 shall receive state aid for the ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive, pursuant to section 163.031, an amount not greater than seventy-five percent of the allowable costs of providing pupil transportation services to and from school and to and from public accredited vocational courses, and shall not receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year, except when the state board of education determines that sufficient circumstances exist to authorize amounts in excess of the one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year.

2. The state board of education shall determine public school district route approval procedures to be used by each public school district board of education to approve all bus routes or portions of routes and determine the total miles each public school district needs for safe and cost-efficient transportation of the pupils and the state board of education shall determine allowable costs. No state aid shall be paid for the costs of transporting pupils living less than one mile from the school. However, if the state board of education determines that circumstances exist where no appreciable additional expenses are incurred in transporting pupils living less than one mile from school, such pupils may be transported without increasing or diminishing the district's entitlement to state aid for transportation.

3. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-five percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned pursuant to section 163.031 where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be seventy-five percent of

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allowable costs as determined by the state board of education which may for sufficient reason authorize amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed seventy-five percent of the total allowable cost of transporting all pupils eligible to be transported; provided that no district shall receive reduced reimbursement for costs of transportation of handicapped and severely handicapped children based upon inefficiency.

4. No state transportation aid received pursuant to section 163.031 shall be used to purchase any school bus manufactured prior to April 1, 1977, that does not meet the federal motor vehicle safety standards.

5. Any school district that operates magnet schools as part of a master desegregation settlement agreement shall not be considered inefficient for purposes of state aid for transportation of pupils attending such magnet schools and shall not receive a financial penalty for the magnet school transportation portion of the overall transportation budget as a result thereof.

167.020. 1. As used in this section, the term "homeless child" or "homeless youth" shall mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child or youth who:

(1) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection.

2. (1) In order to register a pupil, the pupil or the parent or legal guardian of the pupil ~~or the pupil himself or herself~~ shall provide, at the time of registration, one of the following:

~~[(1)]~~ (a) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district or, in the case of a private school student suspected of having a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section ~~[1412,]~~ 1411 et seq., as amended, that the student attends private school within that district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian. For instances in which the family of a student living in Missouri co-locates to live with other family members or live in a military family support community because one or both of the child's parents are stationed or deployed out of state or deployed within Missouri under active duty orders under Title 10 or Title 32 of the United States Code, the student may attend the school district in which the family member's residence or family support community is located. If the active duty orders expire during the school year, the student may finish the school year in that district;

~~[(2)]~~ (b) Proof that the person registering the student has requested a waiver under subsection 3 of

1 this section within the last forty-five days; or

2 ~~[(3)]~~ (c) Proof that one or both of the child's parents are being relocated to the state of Missouri
3 under military orders.

4 (2) In instances where there is reason to suspect that admission of the pupil will create an immediate
5 danger to the safety of other pupils and employees of the district, the superintendent or the superintendent's
6 designee may convene a hearing within five working days of the request to register and determine whether or
7 not the pupil may register.

8 3. Any person subject to the requirements of subsection 2 of this section may request a waiver from
9 the district board of any of those requirements on the basis of hardship or good cause. Under no
10 circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver of
11 the requirements of subsection 2 of this section. The district board or committee of the board appointed by
12 the president and which shall have full authority to act in lieu of the board shall convene a hearing as soon as
13 possible, but no later than forty-five days after receipt of the waiver request made under this subsection or the
14 waiver request shall be granted. The district board or committee of the board may grant the request for a
15 waiver of any requirement of subsection 2 of this section. The district board or committee of the board may
16 also reject the request for a waiver in which case the pupil shall not be allowed to register. Any person
17 aggrieved by a decision of a district board or committee of the board on a request for a waiver under this
18 subsection may appeal such decision to the circuit court in the county where the school district is located.

19 4. Any person who knowingly submits false information to satisfy any requirement of subsection 2
20 of this section is guilty of a class A misdemeanor.

21 5. In addition to any other penalties authorized by law, a district board may file a civil action to
22 recover, from the parent, military guardian or legal guardian of the pupil, the costs of school attendance for
23 any pupil who was enrolled at a school in the district and whose parent, military guardian or legal guardian
24 filed false information to satisfy any requirement of subsection 2 of this section.

25 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or youth, or a pupil
26 attending a school not in the pupil's district of residence as a participant in an interdistrict transfer program
27 established under a court-ordered desegregation program, a pupil who is a ward of the state and has been
28 placed in a residential care facility by state officials, a pupil who has been placed in a residential care facility
29 due to a mental illness or developmental disability, a pupil attending a school pursuant to sections 167.121
30 and 167.151 or sections 167.1200 to 167.1230, a pupil placed in a residential facility by a juvenile court, a
31 pupil with a disability identified under state eligibility criteria if the student is in the district for reasons other
32 than accessing the district's educational program, or a pupil attending a regional or cooperative alternative
33 education program or an alternative education program on a contractual basis.

34 7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any
35 special education pupil, shall request those records required by district policy for student transfer and those
36 discipline records required by subsection 9 of section 160.261 from all schools previously attended by the
37 pupil within the last twelve months. Any school district that receives a request for such records from another
38 school district enrolling a pupil that had previously attended a school in such district shall respond to such
39 request within five business days of receiving the request. School districts may report or disclose education

records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E), as amended.

8. If one or both of a child's parents are being relocated to the state of Missouri under military orders, a school district shall allow remote registration of the student and shall not require the student or the parent or legal guardian of the student ~~[or the student himself or herself]~~ to physically appear at a location within the district to register the student. Proof of residency, as described in this section, shall not be required at the time of the remote registration but shall be required within ten days of the student's attendance in the school district.

167.151. 1. The school board of any district, in its discretion, may admit to the school"; and

Further amend said amendment, Page 2, Line 28, by inserting after all of the said line the following:

"Further amend said bill, Page 57, Section 167.850, Line 106, by inserting after all of the said section and line the following:

"167.1200. 1. Sections 167.1200 to 167.1230 shall be known and may be cited as the "Public School Open Enrollment Act".

2. As used in sections 167.1200 to 167.1230, the following terms mean:

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

(2) "Diversity plan" or "voluntary diversity plan", a plan that is voluntarily adopted by a local school board to promote diversity and to avoid minority student isolation in the district;

(3) "Nonresident district", a school district other than a transferring student's resident district;

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

(5) "Public school", any school for elementary or secondary education that is supported and maintained from public funds and is conducted and operated within this state under the authority and supervision of a duly elected local board of education of the school district or a special administrative board appointed by the state board of education under section 162.081;

(6) "Resident district", the school district in which the transferring student resides or, in the case of a transferring student who is subject to joint legal custody or joint physical custody awarded by a court, the residence designated as the address of the student for educational purposes;

(7) "Sibling", each of two or more children having a parent in common by blood, adoption, marriage, or foster care;

(8) "Socioeconomic status", the income level of a student or the student's family, which shall be measured by whether a student or the student's family meets the financial eligibility criteria for free and reduced price meals offered under federal guidelines;

(9) "Superintendent", the superintendent of a school district or the superintendent's designee;

(10) "Transferring student", a child beginning kindergarten in the child's resident district or a public school student in kindergarten to grade twelve who immediately prior to transferring has been enrolled in and completed a full semester in a public school in the student's resident district and who transfers to a nonresident district through a public school open enrollment program under sections 167.1200 to 167.1230;

(11) "Transfer year", the school year in which a transferring student attends school in a nonresident district.

167.1205. 1. A public school open enrollment program is established to enable a child beginning kindergarten or a student in kindergarten to grade twelve to attend a school in a nonresident district subject to the limitations under section 167.1225. Such program is designed to improve quality instructional and educational programs by providing opportunities including, but not limited to, the following:

(1) Increasing parental involvement for students whose parents work in other school districts;

(2) Providing access to instructional programs and classes that are not available in the resident district; and

(3) Offering parents the opportunity to select curriculum options that align with the parents' personal beliefs.

2. (1) School districts shall not be required to participate in the public school open enrollment program.

(2) (a) Each school district shall, before October first of each year, indicate whether the district will participate in the public school open enrollment program created in sections 167.1200 to 167.1230 in the school year beginning on July first of the following year.

(b) If a school district participates in the public school open enrollment program, the district shall receive transferring students for the full school year in which the district participates.

(3) This subsection shall not be construed to prevent any student in a nonparticipating school district from transferring out of the nonparticipating district to a participating district as a transferring student.

(4) (a) For all school years beginning on or after July 1, 2023, but ending before July 1, 2027, a district may restrict the number of students who may transfer to a nonresident district under sections 167.1200 to 167.1230 to a maximum of three percent of the previous school year's enrollment for the district.

(b) For the school years 2023-24 and 2024-25, a provisionally accredited district with a school population of enrolled students between four thousand five hundred and five thousand five hundred and that is located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants may restrict the number of students who may transfer to a nonresident district under sections 167.1200 to 167.1230.

3. (1) Sections 167.1200 to 167.1230 shall not be construed to require a school district to add teachers, staff, or classrooms or to in any way exceed the requirements and standards established by existing law or the nonresident district.

(2) Sections 167.1200 to 167.1230 shall not be construed to require a school district to provide special educational services for children with disabilities who are three years of age or older and who do not reside in the school district under section 162.700 if the nonresident district determines, as provided in the nonresident district's model policy adopted under subsection 4 of this section, that the school district is unable

1 to provide appropriate special educational services as required under section 162.700 for a child with
 2 disabilities seeking a transfer under sections 167.1200 to 167.1230. The determination shall be made by the
 3 nonresident district after consultation with the child's resident district and any local public, private, and not-
 4 for-profit agencies that provide services for children with disabilities. The nonresident district shall make the
 5 determination before approving an application for a transfer under sections 167.1200 to 167.1230. If a
 6 determination is required under this subdivision, the child seeking the transfer shall remain enrolled in the
 7 child's resident district until such determination becomes final.

8 4. (1) The department or another entity skilled in policy development shall develop a model policy
 9 for determining the number of transfers available under section 167.1215 and establishing specific standards
 10 for acceptance and rejection of transfer applications under section 167.1230. Regardless of whether a school
 11 district participates in the public school open enrollment program, the board of education of each school
 12 district shall, by resolution, adopt the model policy with any changes necessary for a particular district's
 13 needs.

14 (2) The model policy's determination of the number of transfers available shall require each school
 15 district to define the term "insufficient classroom space" for that district.

16 (3) The specific standards for acceptance and rejection of transfer applications may include, but shall
 17 not be limited to:

- 18 (a) The capacity of a school building, grade level, class, or program;
- 19 (b) The availability of classroom space in each school building;
- 20 (c) Any class-size limitation;
- 21 (d) The ratio of students to classroom teachers;
- 22 (e) The district's projected enrollment; and
- 23 (f) Any characteristics of specific programs affected by additional or fewer students attending
 24 because of transfers under the public school open enrollment program.

25 (4) The specific standards for acceptance and rejection of transfer applications shall include a
 26 statement that priority shall be given to an applicant who has a sibling who:

- 27 (a) Is already enrolled in the nonresident district; or
- 28 (b) Has made an application for enrollment in the same nonresident district.
- 29 (5) The specific standards for acceptance and rejection of transfer applications shall not include an

30 applicant's:

- 31 (a) Academic achievement;
- 32 (b) Athletic or other extracurricular ability;
- 33 (c) Disabilities;
- 34 (d) English proficiency level; or
- 35 (e) Previous disciplinary proceedings; except that, any suspension or expulsion from another district
 36 shall be included.

37 (6) A school district receiving transferring students shall not discriminate on the basis of gender,
 38 national origin, race, ethnicity, ancestry, religion, disability, or whether the student is homeless or a migrant.

39 5. A nonresident district shall:

1 (1) Accept credits toward graduation that were awarded by another district to a transferring student;
 2 and

3 (2) Award a diploma to a transferring student if the student meets the nonresident district's
 4 graduation requirements.

5 6. The superintendent for each school district shall cause the information about the public school
 6 open enrollment program to be posted on the district website and in the student handbook to inform parents
 7 of students of the:

8 (1) Availability of the program established under sections 167.1200 to 167.1230;

9 (2) Application deadline; and

10 (3) Requirements and procedures for resident and nonresident students to participate in the program.

11 7. If a student wishes to attend a school within a nonresident district that is a magnet school, an
 12 academically selective school, or a school with a competitive entrance process that has admissions
 13 requirements, the student shall furnish proof that the student meets the admissions requirements in the
 14 application described under section 167.1220.

15 8. A nonresident district may deny a transfer to a student who, in the most recent school year, has
 16 been suspended from school two or more times or who has been suspended for an act of school violence or
 17 expelled under subsection 2 of section 160.261. A student whose transfer is initially precluded under this
 18 subsection may be permitted to transfer on a provisional basis as a probationary transfer student, subject to no
 19 further disruptive behavior, upon approval of the nonresident district's superintendent.

20 9. A student who is denied a transfer under this subsection has the right to an in-person meeting with
 21 the nonresident district's superintendent. The nonresident district shall develop common standards for
 22 determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261.

23 10. Students shall not enroll in a nonresident district under sections 167.1200 to 167.1230 in any
 24 school year before school year 2023-24.

25 11. (1) As used in this subsection, "school days of enrollment" does not include enrollment in
 26 summer school, and "varsity" means the highest level of competition offered by one school or school district
 27 against the highest level of competition offered by an opposing school or school district.

28 (2) (a) Except as provided in this paragraph, a student who participates in open enrollment for
 29 purposes of attending a grade in grades nine to twelve in a school district other than the district of residence is
 30 ineligible to participate in interscholastic athletics for three hundred sixty-five days unless the student's case
 31 meets the standards under the following exceptions:

32 a. If the transfer does not involve undue influence and is not for athletic reasons, a student may be
 33 eligible immediately at the school of the student's choice upon first entering when:

34 (i) The student is promoted from grade six to grade seven;

35 (ii) The student is promoted from grade eight to grade nine and the student is eligible in all other
 36 respects; or

37 (iii) The student completes the highest grade in an elementary school that is not a part of a system
 38 supporting a high school and the student is eligible in all other respects; or

39 b. If a student transfers schools under circumstances that do not meet the requirements under

sections 167.1200 to 167.1230, such student may be granted eligibility to participate in interscholastic athletics as hereinafter restricted if the student qualifies under the following terms and conditions:

(i) A student whose name has been included on a school eligibility roster at any level for a given sport during the twelve calendar months preceding the date of such transfer shall be eligible only for subvarsity competition in such sport for three hundred sixty-five days after the date of transfer. A student may have unrestricted eligibility in all other sports in which such student's name has not appeared on a school eligibility roster;

(ii) A student who has attended a school system that does not sponsor interscholastic athletics but who has participated in organized nonschool competition during the twelve calendar months preceding the date of such transfer shall be eligible only for subvarsity competition in such sport for three hundred sixty-five days after the date of transfer. A student may have unrestricted eligibility in all other sports in which such student did not participate; or

(iii) Eligibility may be granted as described in item (i) of this subparagraph if the athletic eligibility is approved by the principals of both the resident and nonresident districts and if there is no athletic purpose involved in the transfer. The student shall be ineligible for all sports for three hundred sixty-five days after the date of transfer if either or both principals decline to approve athletic eligibility.

(b) Nothing in this section or section 167.1210 shall prevent a statewide athletic association that provides oversight for athletic or activity eligibility for students from imposing a stricter penalty upon any transferring student who is determined to have been unduly influenced to participate in or not to participate in the public school open enrollment program outlined in sections 167.1200 to 167.1230.

167.1210. 1. A student who applies to enroll in multiple nonresident districts and accepts a public school open enrollment program transfer to a nonresident district shall accept only one such transfer per school year.

2. (1) A student who accepts a public school open enrollment program transfer to a nonresident district shall commit to attend and take all courses through the nonresident district for at least one school year. At least one course per semester shall be delivered by the nonresident district in-seat.

(2) If a transferring student returns to the student's resident district, the student's transfer shall be void and the student shall reapply if the student seeks a future public school open enrollment program transfer. No transferring student who returns to the student's resident district shall reapply for a future transfer under this subdivision until after the student has been enrolled in and completed a full school semester in a public school in the student's resident district.

3. (1) Except as otherwise provided in this subsection, a transferring student attending school in a nonresident district may complete all remaining school years in the nonresident district without reapplying each school year.

(2) A sibling of a transferring student who continues enrollment in a nonresident district may enroll in or continue enrollment in that nonresident district if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law or the policy of the nonresident district and the sibling has no discipline issues as described in section 167.1205.

4. Except for a transferring student with a socioeconomic status that qualifies the student for

1 transportation costs reimbursement under subsection 6 of this section, the transferring student or the student's
 2 parent is responsible for the transportation of the student to and from the school in the nonresident district
 3 where the student is enrolled, except that the nonresident district may enter into an agreement with the
 4 student's parent that the parent may transport the student to an existing bus stop location convenient to the
 5 school district if the school district has capacity available on a bus serving that location. If transportation is a
 6 related service on a student's individualized education program (IEP) and the student is a participant in the
 7 public school open enrollment transfer program, the nonresident district shall not be required to provide such
 8 transportation as a related service under the IEP if the nonresident district and the student's parent have
 9 entered into an agreement under this subsection. Such agreement shall contain a statement that the parent is
 10 waiving the transportation as a related service under the student's IEP.

11 5. Notwithstanding the provisions of chapter 163 or federal calculations of military impact aid to the
 12 contrary, for the purposes of determining state and federal aid, a transferring student shall be counted as a
 13 resident pupil of the nonresident district in which the student is enrolled.

14 6. (1) Any transferring student who qualifies for free and reduced price meals under federal
 15 guidelines and transfers to any nonresident district sharing a border with the student's resident district shall be
 16 offered transportation services provided by the nonresident district or may choose to be reimbursed by the
 17 parent public school choice fund established in section 167.1212 for the costs of transportation of the student
 18 as provided in this subsection.

19 (2) The amount of transportation costs eligible for reimbursement shall be, rounded to the nearest
 20 dollar, the product obtained by multiplying:

21 (a) The number of days the student attended school in the nonresident district;

22 (b) The number of miles in a single round trip between the student's residence and the nonresident
 23 district's nearest existing bus stop location; and

24 (c) The mileage reimbursement rate of thirty-seven cents per mile.

25 (3) The transferring student or the student's parent shall keep a record of each instance of
 26 transporting the transferring student to and from the nonresident district's nearest existing bus stop location.
 27 Such record may be verified by the nonresident district's attendance records or in a similar manner as
 28 established by board policy.

29 (4) All reimbursements made under this subsection to a transferring student or the student's parent
 30 shall be made quarterly.

31 (5) Any such transferring student who transfers to any nonresident district that does not share a
 32 border with the student's resident district shall not receive the transportation reimbursement provided under
 33 this subsection.

34 (6) The provisions of this subsection shall not require a nonresident district to offer transportation
 35 services if the transportation would constitute a transportation hardship under section 167.121.

36 (7) Nonresident districts providing transportation services under this subsection may partner or
 37 contract with the resident district or a third-party transportation provider, or both, in providing transportation
 38 and shall also be reimbursed by the parent public school choice fund for the costs of transportation of the
 39 student as provided under this subsection.

1 7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any resident district of its
2 responsibility to pay any costs required under section 162.705 or 162.740.

3 167.1211. If a nonresident student receives special educational services and participates in the public
4 school open enrollment program, the nonresident district shall receive reimbursement from the parent public
5 school choice fund created in section 167.1212 for the costs of the special educational services for the student
6 with an individualized education program above the state and federal funds received for educating the
7 student. Such reimbursement shall not exceed three times the current expenditure per average daily
8 attendance as calculated on the district annual secretary of the board report for the year in which expenditures
9 are claimed.

10 167.1212. 1. There is hereby created in the state treasury the "Parent Public School Choice Fund",
11 which shall consist of an appropriation by the general assembly of sixty million dollars and any additional
12 appropriations made by the general assembly. The state treasurer shall be custodian of the fund. In
13 accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall
14 be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in sections
15 167.1200 to 167.1230.

16 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
17 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

18 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested.
19 Any interest and moneys earned on such investments shall be credited to the fund.

20 4. Moneys appropriated to and deposited in the fund shall be used to supplement, not supplant, state
21 aid distributed to school districts under chapter 163 and shall be used solely to compensate school districts
22 that participate in the public school open enrollment program established in sections 167.1200 to 167.1230.

23 5. The department shall annually evaluate the availability and use of moneys from the fund. If the
24 department determines that additional moneys are needed to fulfill the purposes of this section, the
25 department shall, as part of the legislative budget process, annually request such moneys by a specific line
26 item appropriation.

27 167.1215. 1. Before October first annually, each school district shall set the number of transfer
28 students the district is willing to receive for the following school year under sections 167.1200 to 167.1230.
29 The district may create criteria for the acceptance of students including, but not limited to, the number of
30 students by building, grade, classroom, or program.

31 2. (1) Each school district shall publish the number set under this section, notify the department of
32 such number, and shall not be required to accept any transfer students under this section who would cause the
33 district to exceed the published number.

34 (2) The school district may report the total number of students the district is willing to receive and
35 further delineate the number by building, grade, classroom, or program.

36 3. (1) Each school district shall develop a method for the formation and operation of a waiting list
37 for applications that cannot be accepted because the number of transfers applied for exceeds the number of
38 transfers available.

39 (2) Applications on the waiting list may be given priority for acceptance in the following order and

1 may include other options for priority acceptance:

2 (a) Siblings of students already enrolled in the district;

3 (b) Children of an active duty member of the Armed Forces of the United States;

4 (c) Children of school district employees;

5 (d) Students who had previously attended school in the district but whose parents have moved out of
6 the district; and

7 (e) Students whose parents present an employment circumstance for which an open enrollment
8 transfer would be in the student's best interest.

9 (3) A parent of a student on the waiting list shall be informed by the district of the details of the
10 operation of the list and whether the parent will be required to refile a timely application for open enrollment
11 in order to remain on the waiting list.

12 167.1220. 1. If a student seeks to attend a school in a nonresident district under sections 167.1200 to
13 167.1230, the student's parent shall submit an application:

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

15 (2) On a form approved by the department that contains the student's necessary information for
16 enrollment in another district; and

17 (3) Postmarked before December first in the calendar year preceding the school year in which the
18 student seeks to begin the fall semester at the nonresident district.

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

22 3. As soon as possible after receiving an application, the superintendent of the nonresident district
23 shall review and make a determination on each application in the order in which the application was received
24 by the nonresident district. Before accepting or rejecting an application, the superintendent shall determine
25 whether one of the limitations under section 167.1225 applies to the application.

26 4. The superintendent of the nonresident district may accept an application. If the superintendent
27 rejects an application, the superintendent shall present the rejected application with the superintendent's
28 reasons for the rejection to the school board.

29 5. (1) As used in this subsection, "good cause" means:

30 (a) A change in a student's residence due to a change in family residence;

31 (b) A change in the state in which the family residence is located;

32 (c) A change in a student's parent's marital status;

33 (d) A guardianship or custody proceeding;

34 (e) Placement in foster care;

35 (f) Adoption;

36 (g) Participation in a foreign exchange program;

37 (h) Participation in a substance abuse or mental health treatment program;

38 (i) A change in the status of a student's resident district such as removal of accreditation by the
39 department, surrender of accreditation, or permanent closure of a nonpublic school; or

1 (j) Revocation of a charter school contract as provided in state law.

2 (2) Before December first of the calendar year preceding the school year in which the student seeks
 3 to begin the fall semester at the nonresident district but before July first of such school year, or before the first
 4 Monday in July if July first falls on a Saturday or Sunday, the parent shall send notification to the district of
 5 residence and the receiving district, on forms prescribed by the state board of education, that good cause
 6 exists for failure to meet the December first deadline. The school board of a receiving district may adopt a
 7 policy granting the superintendent the authority to approve open enrollment applications submitted after the
 8 December first deadline. The school board of the receiving district shall take action to approve the request if
 9 good cause exists. If the request is granted, the school board shall transmit a copy of the form to the parent
 10 and the district of residence within five days after school board action. A denial of a request by the board of a
 11 receiving district is not subject to appeal.

12 (3) If the good cause relates to a change in status of a student's school district of residence, a parent
 13 shall file such notification within forty-five days after the last school board action or within thirty days after
 14 the certification of the election, whichever is applicable to the circumstances.

15 (4) If a resident district believes that a receiving district is violating this subsection, the resident
 16 district may, within fifteen days after school board action by the receiving district, submit an appeal to the
 17 commissioner of education.

18 (5) The commissioner of education or the commissioner's designee shall attempt to mediate the
 19 dispute to reach approval by both school boards. If approval is not reached under mediation, the
 20 commissioner shall conduct a hearing and shall hear testimony from both school boards. Within ten days
 21 following the hearing, the commissioner shall render a decision upholding or reversing the decision by the
 22 school board of the receiving district. Within five days after the commissioner's decision, the school board
 23 may appeal the decision of the commissioner to the state board of education as provided in state law.

24 6. (1) Before February first of the school year before the school year in which the student seeks to
 25 enroll in a nonresident district under sections 167.1200 to 167.1230, the nonresident district's superintendent
 26 shall notify the parent and the resident district, in writing, as to whether the student's application has been
 27 accepted or rejected. The notification shall be sent by first-class mail to the address on the application.

28 (2) If the application is rejected, the nonresident district's superintendent shall state in the
 29 notification letter the reason for the rejection.

30 (3) If the application is accepted, the nonresident district's superintendent shall state in the
 31 notification letter:

32 (a) A reasonable deadline before which the student shall enroll in the nonresident district and after
 33 which the acceptance notification is void; and

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

36 (4) If the application is accepted, the nonresident district's superintendent shall notify the resident
 37 district and the department of the student's participation and shall also notify the student and the student's
 38 parent of the opportunity to participate in an anonymous survey provided by the department regarding all
 39 reasons for the student's and parent's interest in participating in the public school open enrollment program.

(5) The department shall publish an annual report based on the anonymous survey conducted under subdivision (4) of this subsection, at the statewide and district levels, that provides data at the statewide and district levels of sufficient detail to allow analysis of trends regarding the reasons for participation in the public school open enrollment program at the statewide, regional, and local district levels. In such annual report, the department shall also include data at the statewide and district levels of sufficient detail to allow detection and analysis of the impact of the public school open enrollment program on racial, ethnic, and socio-economic balance among schools and districts at the statewide, regional, and local district levels. No such survey results published under this subsection shall be published in a manner that reveals information regarding a group of five or fewer students.

167.1225. 1. If sections 167.1200 to 167.1230 conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

2. (1) A school district may annually declare an exemption from sections 167.1200 to 167.1230 if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation or subject to a settlement agreement remedying the effects of past racial segregation.

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

(3) After each year of exemption, the board of education of a school district may elect to participate in the public school open enrollment program under sections 167.1200 to 167.1230 if the school district's participation does not conflict with the school district's federal court-ordered desegregation program or settlement agreement remedying the effects of past racial segregation.

(4) A school district shall notify the department before April first if in the next school year the school district intends to:

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

(b) Resume participation after a period of exemption.

(5) Annually before June first, the department shall report to each school district the maximum number of public school open enrollment program transfers for the school year to begin July first.

(6) If a student is unable to transfer because of the limits under this subsection, the resident district shall give the student priority for a transfer in the following school year in the order that the resident district receives notices of application under section 167.1220, as evidenced by a notation made by the district on the applications indicating the date and time of receipt.

3. Any resident or nonresident school district with an approved diversity plan or voluntary diversity plan may deny a transfer under sections 167.1200 to 167.1230 if the school district determines that the transfer conflicts with the provisions of such diversity plan. The denial of a transfer under this subsection shall be deemed a denial for good cause.

4. (1) Any student who transfers to a nonresident district under section 167.131, sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230 shall not be subject to any requirements

1 under sections 167.1200 to 167.1230.

2 (2) Districts receiving transfer students or sending transfer students to nonresident districts under
 3 section 167.131, sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230
 4 shall not be subject to any requirements under sections 167.1200 to 167.1230 for those transfer students.

5 5. (1) A student transferring to a nonresident district under sections 167.1200 to 167.1230 shall not
 6 be considered a transfer student under any law relating to another transfer program or procedure that allows
 7 students to transfer out of their resident districts.

8 (2) This subdivision shall apply only to students enrolled in a resident district that does not offer
 9 education in a grade higher than grade eight as follows:

10 (a) Such student shall enroll in such nonresident district under sections 167.1200 to 167.1230 before
 11 the end of such student's fifth grade year; and

12 (b) Such student who does not enroll in such nonresident district before the end of such student's
 13 fifth grade year may transfer to such nonresident district under sections 167.1200 to 167.1230, but such
 14 student's resident district shall pay tuition to such nonresident district and follow all other procedures as if
 15 such student transferred under section 167.131 when the student enters the ninth grade.

16 (3) If a student transfers under sections 167.1200 to 167.1230 to a nonresident district that does not
 17 offer education in a grade higher than grade eight, such nonresident district shall not be considered such
 18 student's resident district for any purpose after such student completes grade eight or upon such student's
 19 transfer out of such nonresident district before such student completes grade eight.

20 167.1230. 1. A student whose application for a transfer under section 167.1220 is rejected by the
 21 nonresident district may appeal to the department to reconsider the transfer.

22 2. An appeal to the department shall be in writing and shall be postmarked no later than ten calendar
 23 days, excluding weekends and legal holidays, after the student or the student's parent receives a notice of
 24 rejection of the application under section 167.1220.

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

28 4. In the written appeal, the student or student's parent shall state the basis for appealing the decision
 29 of the nonresident district.

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

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

35 7. The nonresident district may submit in writing any additional information, evidence, or arguments
 36 supporting the district's rejection of the student's application by mailing such response to the department.
 37 Such response shall be postmarked no later than ten days after the nonresident district receives the student's
 38 or parent's appeal.

39 8. Contemporaneously with the filing of its response under subsection 7 of this section, the

1 nonresident district shall also mail a copy of the response to the student or student's parent.

2 9. If the department overturns the determination of the nonresident district on appeal, the department
 3 shall notify the parent, the nonresident district, and the resident district of the basis for the department's
 4 decision.

5 10. (1) The department shall collect data from school districts on the number of applications for
 6 student transfers under sections 167.1200 to 167.1230 and study the effects of public school open enrollment
 7 program transfers under sections 167.1200 to 167.1230. The department shall consider, as part of its study,
 8 the maximum number of transfers and exemptions for both resident and nonresident districts for up to two
 9 years to determine if a significant racially segregative impact has occurred to any school district.

10 (2) Annually before October first, the department shall report the department's findings from the
 11 study of the data under subdivision (1) of this subsection to:

12 (a) The joint committee on education or any successor committee;

13 (b) The house committee on elementary and secondary education or any other education committee
 14 designated by the speaker of the house of representatives; and

15 (c) The senate committee on education or any other education committee designated by the president
 16 pro tempore of the senate.

17 11. The department shall annually make a random selection of ten percent of the school districts
 18 participating in the public school open enrollment program under sections 167.1200 to 167.1230. The
 19 department shall audit each selected school district's transfers approved or denied under policies adopted by
 20 the school board under sections 167.1200 to 167.1230. If the department determines that a selected school
 21 district is improperly implementing and administering the transfer process established under sections
 22 167.1200 to 167.1230, the department may withhold any state aid provided to the school district under
 23 chapter 163 until the school district corrects the transfer process improprieties identified by the department's
 24 audit."; and

25
 26 Further amend said bill, Page 96, Section B, Line 6, by inserting after all of the said section and line the
 27 following:

28
 29 "Section C. The enactment of sections 167.1200, 167.1205, 167.1210, 167.1211, 167.1212,
 30 167.1215, 167.1220, 167.1225, and 167.1230 and the repeal and reenactment of sections 167.020 and
 31 167.151 of this act shall become effective July 1, 2023."; and"; and
 32

33 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

34
 35 THIS AMENDS 4133H10.38H