

FIRST REGULAR SESSION

HOUSE BILL NO. 559

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAKER.

1251H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 167.020 and 167.151, RSMo, and to enact in lieu thereof three new sections relating to open enrollment of pupils.

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

Section A. Sections 167.020 and 167.151, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 167.020, 167.151, and 167.1271, to read as
3 follows:

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

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

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

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

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

14 2. **(1)** In order to register a pupil, the parent or legal guardian of the pupil or the pupil
15 himself or herself shall provide, at the time of registration, one of the following:

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.

16 ~~[(1)]~~ (a) Proof of residency in the district. Except as otherwise provided in section
17 167.151, the term "residency" shall mean that a person both physically resides within a school
18 district and is domiciled within that district or, in the case of a private school student
19 suspected of having a disability under the Individuals With Disabilities Education Act, 20
20 U.S.C. Section ~~[442,]~~ **1411** et seq., **as amended**, that the student attends private school
21 within that district. The domicile of a minor child shall be the domicile of a parent, military
22 guardian pursuant to a military-issued guardianship or court-appointed legal guardian. For
23 instances in which the family of a student living in Missouri co-locates to live with other
24 family members or live in a military family support community because one or both of the
25 child's parents are stationed or deployed out of state or deployed within Missouri under active
26 duty orders under Title 10 or Title 32 of the United States Code, the student may attend the
27 school district in which the family member's residence or family support community is
28 located. If the active duty orders expire during the school year, the student may finish the
29 school year in that district;

30 ~~[(2)]~~ (b) Proof that the person registering the student has requested a waiver under
31 subsection 3 of this section within the last forty-five days; or

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

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

38 3. Any person subject to the requirements of subsection 2 of this section may request
39 a waiver from the district board of any of those requirements on the basis of hardship or good
40 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause
41 for the issuance of a waiver of the requirements of subsection 2 of this section. The district
42 board or committee of the board appointed by the president and which shall have full
43 authority to act in lieu of the board shall convene a hearing as soon as possible, but no later
44 than forty-five days after receipt of the waiver request made under this subsection or the
45 waiver request shall be granted. The district board or committee of the board may grant the
46 request for a waiver of any requirement of subsection 2 of this section. The district board or
47 committee of the board may also reject the request for a waiver in which case the pupil shall
48 not be allowed to register. Any person aggrieved by a decision of a district board or
49 committee of the board on a request for a waiver under this subsection may appeal such
50 decision to the circuit court in the county where the school district is located.

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

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

58 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or
59 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an
60 interdistrict transfer program established under a court-ordered desegregation program, a
61 pupil who is a ward of the state and has been placed in a residential care facility by state
62 officials, a pupil who has been placed in a residential care facility due to a mental illness or
63 developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151
64 **or section 167.1271**, a pupil placed in a residential facility by a juvenile court, a pupil with a
65 disability identified under state eligibility criteria if the student is in the district for reasons
66 other than accessing the district's educational program, or a pupil attending a regional or
67 cooperative alternative education program or an alternative education program on a
68 contractual basis.

69 7. Within two business days of enrolling a pupil, the school official enrolling a pupil,
70 including any special education pupil, shall request those records required by district policy
71 for student transfer and those discipline records required by subsection 9 of section 160.261
72 from all schools previously attended by the pupil within the last twelve months. Any school
73 district that receives a request for such records from another school district enrolling a pupil
74 that had previously attended a school in such district shall respond to such request within five
75 business days of receiving the request. School districts may report or disclose education
76 records to law enforcement and juvenile justice authorities if the disclosure concerns law
77 enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication,
78 the student whose records are released. The officials and authorities to whom such
79 information is disclosed must comply with applicable restrictions set forth in 20 U.S.C.
80 Section 1232g(b)(1)(E), **as amended**.

81 8. If one or both of a child's parents are being relocated to the state of Missouri under
82 military orders, a school district shall allow remote registration of the student and shall not
83 require the parent or legal guardian of the student or the student himself or herself to
84 physically appear at a location within the district to register the student. Proof of residency, as
85 described in this section, shall not be required at the time of the remote registration but shall
86 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
2 pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except

3 as provided in subdivision (2) of subsection 3 of this section [~~and in~~]; sections 167.121,
4 167.131, 167.132, and 167.895; **and section 167.1271.**

5 2. Orphan children, children with only one parent living, and children whose parents
6 do not contribute to their support-if the children are between the ages of six and twenty years
7 and are unable to pay tuition-may attend the schools of any district in the state in which they
8 have a permanent or temporary home without paying a tuition fee.

9 3. (1) For all school years ending on or before June 30, 2023, any individual who
10 pays a school tax in any other district than that in which such individual resides may send
11 such individual's children to any public school in the district in which the tax is paid and
12 receive as a credit on the amount charged for tuition the amount of the school tax paid to the
13 district; except that any individual who owns real estate of which eighty acres or more are
14 used for agricultural purposes and upon which such individual's residence is situated may
15 send such individual's children to public school in any school district in which a part of such
16 real estate, contiguous to that upon which such individual's residence is situated, lies and shall
17 not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the
18 school district of choice. The school district of choice shall count the children in its average
19 daily attendance for the purpose of distribution of state aid through the foundation formula.

20 (2) For all school years beginning on or after July 1, 2023, any current owner of
21 residential real property or agricultural real property or a named beneficiary of a trust that
22 currently owns residential real property or agricultural real property and that pays a school tax
23 in a district or districts other than the district in which such current owner or current
24 beneficiary resides may send up to four of such owner's or beneficiary's children to a public
25 school, excluding a charter school, in any district in which such owner or trust pays such
26 school tax. For purposes of this subdivision, "residential real property" shall not include any
27 multifamily residential property which exceeds four units. An owner or a named beneficiary
28 of a trust that currently owns residential real property shall not be permitted under this
29 subdivision to send their child to a district outside of the county in which they currently
30 reside. Such owner or beneficiary shall send thirty days' written notice to all school districts
31 involved specifying which school district each child will attend. Such owner or beneficiary
32 shall also present proof of the owner's or trust's annual payment of at least two thousand
33 dollars of school taxes levied on the real property specified in this subdivision within such
34 school district and ownership of the specified real property for not less than the immediately
35 preceding four consecutive years. Neither the resident nor nonresident districts shall be
36 responsible for providing transportation services under this subdivision. The school district
37 attended shall count a child attending under this subdivision in its average daily attendance
38 for the purpose of distribution of state aid under chapter 163, except that such nonresident

39 students shall not be counted in the district's average daily attendance for the purposes of
40 determining eligibility for aid payments under section 163.044.

41 4. For any school year ending on or before June 30, 2023, any owner of agricultural
42 land who, pursuant to subsection 3 of this section, has the option of sending his **or her**
43 children to the public schools of more than one district shall exercise such option as provided
44 in this subsection. Such person shall send written notice to all school districts involved
45 specifying to which school district his **or her** children will attend by June thirtieth in which
46 such a school year begins. If notification is not received, such children shall attend the school
47 in which the majority of his **or her** property lies. Such person shall not send any of his **or her**
48 children to the public schools of any district other than the one to which he **or she** has sent
49 notice pursuant to this subsection in that school year or in which the majority of his **or her**
50 property lies without paying tuition to such school district.

51 5. If a pupil is attending school in a district other than the district of residence and the
52 pupil's parent is teaching in the school district or is a regular employee of the school district
53 which the pupil is attending, then the district in which the pupil attends school shall allow the
54 pupil to attend school upon payment of tuition in the same manner in which the district allows
55 other pupils not entitled to free instruction to attend school in the district. The provisions of
56 this subsection shall apply only to pupils attending school in a district which has an
57 enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils
58 and which district is located in a county with a charter form of government which has a
59 population in excess of six hundred thousand persons and not in excess of nine hundred
60 thousand persons.

**167.1271. 1. This section shall be known and may be cited as the "K-12 Open
2 Enrollment Act".**

3 2. As used in this section, the following terms mean:

**4 (1) "Available capacity", a public school's number of open seats by grade level as
5 permitted by such public school's building capacity;**

**6 (2) "Assigned school district", a school district to which a pupil is geographically
7 assigned through residential assignment;**

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

**9 (4) "K-12 open enrollment", a public education delivery system that allows a
10 public school pupil to transfer to public schools outside of such pupil's assigned school
11 district;**

**12 (5) "Parent", a parent, guardian, or other person having control or custody of a
13 child;**

14 (6) "Public school", the same meaning as in section 160.011;

15 (7) "Receiving school district", the school district to which the transfer applicant
16 transfers;

17 (8) "School board", the same meaning as in section 160.011;

18 (9) "Transfer applicant", a pupil seeking enrollment in a public school outside
19 such pupil's assigned school district;

20 (10) "Tuition", any transfer fees or monetary charges that a pupil or such
21 pupil's parent is compelled to pay for such pupil to transfer to a receiving school
22 district.

23 3. For the 2024-25 school year and all subsequent school years, each school
24 district shall adopt a K-12 open enrollment policy that allows a parent residing in any
25 school district in this state to enroll such parent's child as a pupil in any public school in
26 this state. Under such policy, each school district shall accept all transfer applicants
27 applying to transfer to such school district unless the number of transfers exceeds the
28 capacity of a grade level for each school within such school district.

29 4. A K-12 open enrollment policy adopted under this section shall contain the
30 process a parent or transfer applicant shall follow to participate in open enrollment.
31 Each school board shall adopt such process by rule and shall post such process on the
32 school district's website. Such process shall:

33 (1) Adhere to federal desegregation requirements;

34 (2) Allow parents to declare school preferences;

35 (3) Provide a lottery procedure to determine pupil assignment and establish an
36 appeals process for hardship cases;

37 (4) Address the availability of transportation;

38 (5) Indicate which schools have not yet reached capacity by grade level; and

39 (6) Not deny students based on special education service needs.

40 5. A school district shall accept transfer applicants through the K-12 open
41 enrollment process established under this section subject to the following:

42 (1) If a grade level's capacity at a school within a school district is insufficient to
43 enroll all eligible applicants, the school district shall select transfer applicants through a
44 random lottery. Such school district shall open applications for such lottery in January
45 of each school year and select transfer applications through such lottery before June
46 first. A transfer applicant whose application is not selected during such lottery shall be
47 placed on a waiting list and notified. Transfer applicants on the waiting list shall be
48 prioritized for admission if additional seats become available during the school year;

49 (2) Each school district shall have an alternative application that allows pupils to
50 transfer at any time during the school year if seats are available. A school district shall

51 **admit students applying through the alternative application on a first-come, first-served**
52 **basis;**

53 **(3) Each school board shall provide preferential treatment in the board's open**
54 **enrollment process to all of the following:**

55 **(a) Siblings of current transfer pupils;**

56 **(b) Dependent children of active duty military personnel whose move resulted**
57 **from military orders;**

58 **(c) Children who have been relocated due to a foster care placement in a**
59 **different school district;**

60 **(d) Children who move under a court-ordered change in custody due to**
61 **separation or divorce or the serious illness or death of a custodial parent; and**

62 **(e) Pupils residing in the school district;**

63 **(4) A school district shall not accept or deny a transfer based on such transfer**
64 **applicant's ethnicity, national origin, gender, income level, disabling condition,**
65 **proficiency in the English language, measure of achievement, aptitude, or athletic**
66 **ability;**

67 **(5) A school district shall not charge any transfer applicant tuition to enroll;**

68 **(6) School districts shall have the option to transport pupils who transfer under**
69 **this section across school district boundaries;**

70 **(7) All pupils who transfer under this section may remain at the receiving school**
71 **until the pupil completes the highest grade level at the receiving school; and**

72 **(8) Pupils residing inside the school district's boundaries shall not be displaced**
73 **by transfer applicants seeking enrollment under the K-12 open enrollment policy.**

74 **6. Before January first of each year, each school board shall adopt a policy based**
75 **on the policy set by the department to determine the number of transfer applicants the**
76 **school district has the capacity to accept in each grade level for each school within a**
77 **school district.**

78 **7. Each school district's available capacity shall be current and posted on the**
79 **school district's website. School districts shall update the available capacity of each**
80 **school by grade level on the first day of January, April, June, and October of each year.**

81 **8. (1) On or before the first day of January, April, July, and October of each**
82 **year, the superintendent of the receiving school district shall file a report with the**
83 **department showing the names of the pupils granted transfers to the receiving school**
84 **district under this section, each pupil's school site, and each pupil's grade level.**

85 **(2) On or before October first of each year, each school district shall report to**
86 **the department:**

87 **(a) The number of transfer applicants enrolled in the school district;**

88 (b) The number of transfer applications received; and

89 (c) The number of transfer applications denied and the reasons supporting the
90 denial of each transfer application.

91 (3) Before July first of each year, the department shall post an annual report on
92 the department's website for the public to view that includes for each school district:

93 (a) The number of transfer applicants seeking admission to or withdrawal from
94 each school district in the school year, showing the potential net change;

95 (b) The number of rejected transfer applications in the immediately preceding
96 school year;

97 (c) The reasons for rejecting each rejected transfer application in such school
98 year; and

99 (d) The total number of pupils who transferred into or out of each district,
100 showing the actual net change.

101 (4) The department shall randomly select ten percent of the school districts in
102 the state annually to conduct an audit of each such district's approved and denied
103 transfers based on the provisions of the policies adopted by such school district. If the
104 department finds inaccurate reporting of capacity levels by a school district, the
105 department shall set the capacity for such school district.

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