

SECOND REGULAR SESSION

# HOUSE BILL NO. 1989

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE POLLITT.

4735H.02I

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 163.161, 167.020, and 167.151, RSMo, and to enact in lieu thereof fourteen new sections relating to admission of nonresident pupils.

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

Section A. Sections 163.161, 167.020, and 167.151, RSMo, are repealed and fourteen  
2 new sections enacted in lieu thereof, to be known as sections 163.161, 167.020, 167.151,  
3 167.1200, 167.1205, 167.1210, 167.1211, 167.1212, 167.1215, 167.1220, 167.1225,  
4 167.1227, 167.1229, and 167.1230, to read as follows:

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

12 2. The state board of education shall determine public school district route approval  
13 procedures to be used by each public school district board of education to approve all bus  
14 routes or portions of routes and determine the total miles each public school district needs for  
15 safe and cost-efficient transportation of the pupils and the state board of education shall

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 determine allowable costs. No state aid shall be paid for the costs of transporting pupils  
17 living less than one mile from the school. However, if the state board of education determines  
18 that circumstances exist where no appreciable additional expenses are incurred in transporting  
19 pupils living less than one mile from school, such pupils may be transported without  
20 increasing or diminishing the district's entitlement to state aid for transportation.

21         3. State aid for transporting handicapped and severely handicapped students attending  
22 classes within the school district or in a nearby district under a contractual arrangement shall  
23 be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-  
24 five percent of the additional cost of transporting handicapped and severely handicapped  
25 students above the average per pupil cost of transporting all students of the district shall be  
26 apportioned pursuant to section 163.031 where such special transportation is approved in  
27 advance by the department of elementary and secondary education. State aid for  
28 transportation of handicapped and severely handicapped children in a special school  
29 district shall be seventy-five percent of allowable costs as determined by the state board of  
30 education which may for sufficient reason authorize amounts in excess of one hundred  
31 twenty-five percent of the state average approved cost per pupil transported the second  
32 previous year. In no event shall state transportation aid exceed seventy-five percent of the  
33 total allowable cost of transporting all pupils eligible to be transported; provided that no  
34 district shall receive reduced reimbursement for costs of transportation of handicapped and  
35 severely handicapped children based upon inefficiency.

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

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

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 **pupil or the** parent or legal guardian of the  
15 pupil ~~[or the pupil himself or herself]~~ shall provide, at the time of registration, one of the  
16 following:

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

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

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

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

39 3. Any person subject to the requirements of subsection 2 of this section may request  
40 a waiver from the district board of any of those requirements on the basis of hardship or good  
41 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause  
42 for the issuance of a waiver of the requirements of subsection 2 of this section. The district  
43 board or committee of the board appointed by the president and which shall have full  
44 authority to act in lieu of the board shall convene a hearing as soon as possible, but no later  
45 than forty-five days after receipt of the waiver request made under this subsection or the  
46 waiver request shall be granted. The district board or committee of the board may grant the

47 request for a waiver of any requirement of subsection 2 of this section. The district board or  
48 committee of the board may also reject the request for a waiver in which case the pupil shall  
49 not be allowed to register. Any person aggrieved by a decision of a district board or  
50 committee of the board on a request for a waiver under this subsection may appeal such  
51 decision to the circuit court in the county where the school district is located.

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

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

59 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or  
60 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an  
61 interdistrict transfer program established under a court-ordered desegregation program, a  
62 pupil who is a ward of the state and has been placed in a residential care facility by state  
63 officials, a pupil who has been placed in a residential care facility due to a mental illness or  
64 developmental disability, a pupil attending a school pursuant to sections 167.121 and 167.151  
65 **or sections 167.1200 to 167.1230**, a pupil placed in a residential facility by a juvenile court, a  
66 pupil with a disability identified under state eligibility criteria if the student is in the district  
67 for reasons other than accessing the district's educational program, or a pupil attending a  
68 regional or cooperative alternative education program or an alternative education program on  
69 a contractual basis.

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

82 8. If one or both of a child's parents are being relocated to the state of Missouri under  
83 military orders, a school district shall allow remote registration of the student and shall not

84 require the **student or the** parent or legal guardian of the student [~~or the student himself or~~  
85 ~~herself~~] to physically appear at a location within the district to register the student. Proof of  
86 residency, as described in this section, shall not be required at the time of the remote  
87 registration but shall be required within ten days of the student's attendance in the school  
88 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 sections 167.1200 to 167.1230.**

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~~] **such**  
43 **individual's** children to the public schools of more than one district shall exercise such option  
44 as provided in this subsection. Such person shall send written notice to all school districts  
45 involved specifying to which school district [~~his~~] **such individual's** children will attend by  
46 June thirtieth in which such a school year begins. If notification is not received, such children  
47 shall attend the school in which the majority of [~~his~~] **such individual's** property lies. Such  
48 person shall not send any of [~~his~~] **such individual's** children to the public schools of any  
49 district other than the one to which [~~he~~] **such individual** has sent notice pursuant to this  
50 subsection in that school year or in which the majority of [~~his~~] **such individual's** property lies  
51 without paying tuition to such school district.

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

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

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

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

5 **(2) "Nonresident district", a school district other than a transferring student's**  
6 **resident district;**

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

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

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

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

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

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

26           (9) "Transferring student", a child beginning kindergarten in the child's  
27 resident district or a public school student in kindergarten to grade twelve who  
28 immediately prior to transferring has been enrolled in and completed a full semester in  
29 a public school in the student's resident district and who transfers to a nonresident  
30 district through a public school open enrollment program under sections 167.1200 to  
31 167.1230;

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

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

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

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

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

12           **2. (1) School districts shall not be required to participate in the public school**  
13 **open enrollment program.**

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

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

21           **(3) A district may restrict the number of students who may transfer to a**  
22 **nonresident district under sections 167.1200 to 167.1230 in each school year to the**  
23 **following maximum of the previous school year's enrollment for the district:**

24           **(a) Three percent, except as provided in paragraph (b) or paragraph (c) of this**  
25 **subdivision;**

26           **(b) One percent, if the district's percentage of the free or reduced price lunch**  
27 **pupil count for the prior school year has increased by twenty percent; or**

28           **(c) One percent, if the district's percentage of enrolled minority students for the**  
29 **prior school year has either:**

30           **a. Increased by twenty percent or more since the 2024-25 school year; or**

31           **b. Increased since the 2024-25 school year and is over eighty-five percent.**

32           **(4) (a) The department shall develop and maintain an online resource that**  
33 **allows a school district to review and act on applications in compliance with sections**  
34 **167.1200 to 167.1230. Such resource shall enable a nonresident district to ensure that**  
35 **the district does not accept a transfer application if the acceptance of such transfer**  
36 **application would cause the transferring student's resident district to exceed three**  
37 **percent of such resident district's enrollment for the preceding school year.**

38           **(b) The online resource shall provide a searchable public database of the number**  
39 **of transfers offered in each participating school district. The database shall list, for each**  
40 **school district, each school building, grade level, classroom, and program based on**  
41 **allowable transfer numbers published under section 167.1215.**

42           **3. (1) Sections 167.1200 to 167.1230 shall not be construed to require a school**  
43 **district to add teachers, staff, or classrooms or to in any way exceed the requirements**  
44 **and standards established by existing law or the nonresident district.**

45           **(2) Sections 167.1200 to 167.1230 shall not be construed to require a school**  
46 **district to provide special educational services for children with disabilities who are**  
47 **three years of age or older and who do not reside in the school district under section**  
48 **162.700 if the nonresident district determines, as provided in the nonresident district's**



49 **model policy adopted under subsection 4 of this section, that the school district is unable**  
50 **to provide appropriate special educational services as required under section 162.700**  
51 **for a child with disabilities seeking a transfer under sections 167.1200 to 167.1230. The**  
52 **determination shall be made by the nonresident district after consultation with the**  
53 **child's resident district and any local public, private, and not-for-profit agencies that**  
54 **provide services for children with disabilities. The nonresident district shall make the**  
55 **determination before approving an application for a transfer under sections 167.1200 to**  
56 **167.1230. If a determination is required under this subdivision, the child seeking the**  
57 **transfer shall remain enrolled in the child's resident district until such determination**  
58 **becomes final.**

59 **(3) Prior to participating in the public school open enrollment program created**  
60 **in sections 167.1200 to 167.1230, any school district that is served by a special school**  
61 **district established under sections 162.670 to 162.995 shall enter into an agreement with**  
62 **such special school district regarding finance, staffing, and other relevant items relating**  
63 **to any students requiring special education services prior to participating in open**  
64 **enrollment.**

65 **4. (1) The department or another entity skilled in policy development shall**  
66 **develop a model policy for determining the number of transfers available under section**  
67 **167.1215 and establishing specific standards for acceptance and rejection of transfer**  
68 **applications under section 167.1227. Regardless of whether a school district**  
69 **participates in the public school open enrollment program, the board of education of**  
70 **each school district shall, by resolution, adopt the model policy with any changes**  
71 **necessary for a particular district's needs.**

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

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

77 **(a) The capacity of a school building, grade level, class, or program;**

78 **(b) The availability of classroom space in each school building;**

79 **(c) Any class-size limitation;**

80 **(d) The ratio of students to classroom teachers;**

81 **(e) The district's projected enrollment; and**

82 **(f) Any characteristics of specific programs affected by additional or fewer**  
83 **students attending because of transfers under the public school open enrollment**  
84 **program.**

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

88           **(a) Is already enrolled in the nonresident district; or**

89           **(b) Has made an application for enrollment in the same nonresident district.**

90           **(5) The specific standards for acceptance and rejection of transfer applications**  
91 **shall not include an applicant's:**

92           **(a) Academic achievement;**

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

94           **(c) Disabilities;**

95           **(d) English proficiency level; or**

96           **(e) Previous disciplinary proceedings, except that any suspension or expulsion**  
97 **from another district shall be included.**

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

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

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

104           **(2) Award a diploma to a transferring student if the student meets the**  
105 **nonresident district's graduation requirements.**

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

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

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

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

113           **7. If a student wishes to attend a school within a nonresident district that is a**  
114 **magnet school, an academically selective school, or a school with a competitive entrance**  
115 **process that has admissions requirements, the student shall furnish proof that the**  
116 **student meets the admissions requirements in the application described under section**  
117 **167.1220.**

118           **8. A nonresident district may deny a transfer to a student who, in the most**  
119 **recent school year, has been suspended from school two or more times or who has been**  
120 **suspended for an act of school violence or expelled under subsection 2 of section 160.261.**  
121 **A student whose transfer is initially precluded under this subsection may be permitted**

122 to transfer on a provisional basis as a probationary transfer student, subject to no  
123 further disruptive behavior, upon approval of the nonresident district's superintendent.

124 9. A student who is denied a transfer under subsection 8 of this section has the  
125 right to an in-person meeting with the nonresident district's superintendent. The  
126 nonresident district shall develop common standards for determining disruptive  
127 behavior that shall include, but not be limited to, criteria under section 160.261.

128 10. (1) As used in this subsection, "school days of enrollment" does not include  
129 enrollment in summer school, and "varsity" means the highest level of competition  
130 offered by one school or school district against the highest level of competition offered  
131 by an opposing school or school district.

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

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

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

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

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

146 b. If a student transfers schools under circumstances that do not meet the  
147 requirements under sections 167.1200 to 167.1230, such student may be granted  
148 eligibility to participate in interscholastic athletics as hereinafter restricted if the student  
149 qualifies under the following terms and conditions:

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

156 (ii) A student who has attended a school system that does not sponsor  
157 interscholastic athletics but who has participated in organized nonschool competition  
158 during the twelve calendar months preceding the date of such transfer shall be eligible

159 only for subvarsity competition in such sport for three hundred sixty-five days after the  
160 date of transfer. A student may have unrestricted eligibility in all other sports in which  
161 such student did not participate; or

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

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

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

4 2. (1) A student who accepts a public school open enrollment program transfer  
5 to a nonresident district shall commit to attend and take all courses through the  
6 nonresident district for at least one school year. At least one course per semester shall  
7 be delivered by the nonresident district in-seat.

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

14 3. (1) Except as otherwise provided in this subsection, a transferring student  
15 attending school in a nonresident district may complete all remaining school years in the  
16 nonresident district without reapplying each school year.

17 (2) A sibling of a transferring student who continues enrollment in a nonresident  
18 district may enroll in or continue enrollment in that nonresident district if the district  
19 has the capacity to accept the sibling without adding teachers, staff, or classrooms or  
20 exceeding the regulations and standards established by law or the policy of the  
21 nonresident district and the sibling has no discipline issues as described in section  
22 167.1205.

23           **4. (1) The transferring student or the student's parent is responsible for the**  
24 **transportation of the student to and from the school in the nonresident district where**  
25 **the student is enrolled.**

26           **(2) A nonresident district may enter into an agreement with the student's parent**  
27 **that the parent may transport the student to an existing bus stop location convenient to**  
28 **the school district if the school district has capacity available on a bus serving that**  
29 **location.**

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

34           **6. (1) (a) Notwithstanding the provisions of subsection 4 of this section to the**  
35 **contrary, a transferring student described in paragraph (b) of this subdivision:**

36           **a. Shall be offered transportation services provided by the nonresident district;**  
37 **or**

38           **b. May choose to be reimbursed by the parent public school choice fund**  
39 **established in section 167.1212 for the costs of transportation of the student as provided**  
40 **in this subsection.**

41           **(b) Paragraph (a) of this subdivision shall apply to a transferring student who**  
42 **transfers to any nonresident district sharing a border with the student's resident district**  
43 **and who:**

44           **a. Qualifies for free and reduced price meals under federal guidelines; or**

45           **b. Has transportation as a related service on such student's individualized**  
46 **education program (IEP).**

47           **(2) The amount of transportation costs eligible for reimbursement to such**  
48 **transferring student or the student's parent under subparagraph b. of paragraph (a) of**  
49 **subdivision (1) of this subsection shall be, rounded to the nearest dollar, the product**  
50 **obtained by multiplying:**

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

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

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

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

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

61           **(5) A transferring student who transfers to any nonresident district that does not**  
62 **share a border with the student's resident district shall be eligible for a transfer if the**  
63 **student's parent enters into an agreement with the noncontiguous nonresident district**  
64 **that contains a statement that the parent waives both:**

65           **(a) Transportation services as described in subparagraph a. of paragraph (a) of**  
66 **subdivision (1) of this subsection including, but not limited to, any transportation as a**  
67 **related service under the student's IEP; and**

68           **(b) Reimbursement for transportation costs as described in subparagraph b. of**  
69 **paragraph (a) of subdivision (1) of this subsection.**

70           **(6) The provisions of this subsection shall not be construed to require a**  
71 **nonresident district to offer transportation services if the transportation would**  
72 **constitute a transportation hardship under section 167.121.**

73           **(7) Nonresident districts providing transportation services under this subsection**  
74 **may partner or contract with the resident district or a third-party transportation**  
75 **provider, or both, in providing transportation and shall also be reimbursed by the**  
76 **parent public school choice fund established in section 167.1212 for the costs of**  
77 **transportation for the student on a quarterly basis and in a manner determined by the**  
78 **department.**

79           **7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any**  
80 **resident district of its responsibility to pay any costs required under section 162.705 or**  
81 **162.740.**

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

**167.1212. 1. There is hereby created in the state treasury the "Parent Public**  
2 **School Choice Fund", which shall consist of an appropriation by the general assembly of**  
3 **eighty million dollars and any additional appropriations made by the general assembly.**  
4 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170**  
5 **and 30.180, the state treasurer may approve disbursements. The fund shall be a**

6 dedicated fund and, upon appropriation, moneys in the fund shall be used solely as  
7 provided in sections 167.1200 to 167.1230.

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

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

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

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

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

6       2. (1) Each school district shall publish the number set under this section, notify  
7 the department of such number, and shall not be required to accept any transfer  
8 students under this section who would cause the district to exceed the published number.

9       (2) The school district shall report the total number of students the district is  
10 willing to receive and further delineate the number by building, grade, classroom, or  
11 program.

12       3. (1) Each school district shall develop a method for the formation and  
13 operation of a waiting list for applications that cannot be accepted because the number  
14 of transfers applied for exceeds the number of transfers available.

15       (2) Applications on the waiting list may be given priority for acceptance in the  
16 following order and may include other options for priority acceptance:

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

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

19       (c) Children of school district employees;

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

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

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

167.1220. 1. If a student seeks to attend a school in a nonresident district under  
2 sections 167.1200 to 167.1230, 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 that contains the student's necessary  
5 information for enrollment in another district; and

6 (3) Postmarked before February first in the calendar year preceding the school  
7 year in which the student seeks 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  
11 application.

12 3. As soon as practicable after receiving an application, the superintendent of a  
13 nonresident district that receives an application under subsection 1 of this section shall  
14 review and make a determination on each application in the order in which the  
15 application was received by the nonresident district. Before accepting or rejecting an  
16 application, the superintendent shall determine whether one of the limitations under  
17 section 167.1205 or section 167.1225 applies to the application.

18 4. The superintendent of the nonresident district may accept an application. If  
19 the superintendent rejects an application, the superintendent shall present the rejected  
20 application with the superintendent's reasons for the rejection to the school board for  
21 review.

22 5. (1) As used in this subsection, "good cause" means:

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

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

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

26 (d) A guardianship or custody proceeding;

27 (e) Placement in foster care;

28 (f) Adoption;

29 (g) Participation in a foreign exchange program;

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



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

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

35 (2) Before February first of the calendar year preceding the school year in which  
36 the student seeks to begin the fall semester at the nonresident district but before July  
37 first of such school year, or before the first Monday in July if July first falls on a  
38 Saturday or Sunday, the parent shall send notification to the district of residence and  
39 the receiving district, on forms prescribed by the state board of education, that good  
40 cause exists for failure to meet the February first deadline. The school board of a  
41 receiving district may adopt a policy granting the superintendent the authority to  
42 approve open enrollment applications submitted after the February first deadline. The  
43 school board of the receiving district shall take action to approve the request if good  
44 cause exists. If the request is granted, the school board shall transmit a copy of the form  
45 to the parent and the district of residence within five days after school board action. A  
46 denial of a request by the board of a receiving district is not subject to appeal.

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

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

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

62 6. (1) (a) Before April first of the school year before the school year in which the  
63 student seeks to enroll in a nonresident district under sections 167.1200 to 167.1230, the  
64 nonresident district's superintendent shall notify the department as to whether the  
65 student's application has been accepted or rejected through the online resource created  
66 under section 167.1205. The online resource shall evaluate all accepted applications to  
67 determine all acceptances allowable under the limitations of sections 167.1200 to

68 **167.1230.** The online resource shall provide notice on April first to all resident and  
69 nonresident districts regarding the acceptance or rejection of each application under the  
70 limitations of sections 167.1200 to 167.1230.

71 (b) Within three business days of receiving notification from the department  
72 through the online resource created under section 167.1205, the nonresident district's  
73 superintendent shall notify the parent and the resident district, in writing, as to whether  
74 the student's application has been accepted or rejected. The notification shall be sent by  
75 first-class mail to the address on the application.

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

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

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

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

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

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

2 **167.1225. 1.** If sections 167.1200 to 167.1230 conflict with a provision of an  
3 enforceable desegregation court order, a district's court-approved desegregation plan  
4 regarding the effects of past racial segregation in student assignment, the provisions of  
the order or plan shall govern.

5           2. (1) A school district may annually declare an exemption from sections  
6 167.1200 to 167.1230 if the school district is subject to a desegregation order or mandate  
7 of a federal court or agency remedying the effects of past racial segregation or a  
8 settlement 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 the declaration of exemption.

12           (3) After each year of exemption, the board of education of a school district may  
13 elect to participate in the public school open enrollment program under sections  
14 167.1200 to 167.1230 if the school district's participation does not conflict with the  
15 school district's federal court-ordered desegregation program, settlement agreement  
16 remedying the effects of past racial segregation.

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

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

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

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

24           (6) If a student is unable to transfer because of the limits under this subsection,  
25 the resident district shall give the student priority for a transfer in the following school  
26 year in the order that the resident district receives notices of application under section  
27 167.1220, as evidenced by a notation made by the district on the applications indicating  
28 the date and time of receipt.

29           3. (1) Any student who transfers to a nonresident district under section 167.131,  
30 sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230  
31 shall not be subject to any requirements under sections 167.1200 to 167.1230.

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

36           4. (1) A student transferring to a nonresident district under sections 167.1200 to  
37 167.1230 shall not be considered a transfer student under any law relating to another  
38 transfer program or procedure that allows students to transfer out of their resident  
39 districts.

40           (2) This subdivision shall apply only to students who reside in a district that does  
41 not offer education in a grade higher than grade eight as follows:

42 (a) If such student enrolls in a nonresident district under sections 167.1200 to  
43 167.1230 before the end of such student's fifth-grade year, the provisions of 167.1200 to  
44 167.1230 shall apply for such student; and

45 (b) If such student does not enroll in such nonresident district before the end of  
46 such student's fifth-grade year, such student may transfer to such nonresident district  
47 during a year in which such student is in grade six, seven, or eight under sections  
48 167.1200 to 167.1230. When such student enters grade nine, such student's resident  
49 district shall:

50 a. Compute the difference by subtracting the state adequacy target from the  
51 nonresident student tuition as calculated under section 167.131;

52 b. Pay the amount of such difference above zero to such nonresident district; and

53 c. Follow all other procedures as if such student transferred under section  
54 167.131.

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

167.1227. 1. A student whose application for a transfer under section 167.1220 is  
2 rejected by the nonresident district may appeal to the department to reconsider the  
3 transfer.

4 2. An appeal to the department shall be in writing and shall be postmarked no  
5 later than ten calendar days, excluding weekends and legal holidays, after the student or  
6 the student's parent receives a notice of rejection of the application under section  
7 167.1220.

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  
10 appeal to the nonresident district's superintendent.

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

13 5. The student or the student's parent shall submit, along with the written  
14 appeal, 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, health,  
17 social, or psychological interest of the student.

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

20 mailing such response to the department. Such response shall be postmarked no later  
21 than 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 department overturns the determination of the nonresident district on**  
26 **appeal, the department shall notify the parent, the nonresident district, and the resident**  
27 **district of the basis for the department's decision.**

**167.1229. 1. (1) The department shall collect data from school districts on the**  
2 **number of applications for student transfers under sections 167.1200 to 167.1230 and**  
3 **study the effects of public school open enrollment program transfers under sections**  
4 **167.1200 to 167.1230. The department shall consider, as part of its study, the maximum**  
5 **number of transfers and exemptions for both resident and nonresident districts for up**  
6 **to two years to determine if a significant racially segregative impact has occurred to any**  
7 **school district.**

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

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

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

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

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

**167.1230. 1. In any school year for which the moneys in the parent public school**  
2 **choice fund do not equal or exceed the amount necessary to provide for projected**  
3 **eligible reimbursements from the parent public school choice fund the following shall**  
4 **apply:**

5           **(1) School districts may make modifications to the school district's policy for**  
6 **open enrollment under sections 167.1200 to 167.1230 to make such reasonable**  
7 **adjustments necessary to ensure sufficient classroom space;**

8           **(2) All eligible transferring students enrolled in a nonresident district under**  
9 **sections 167.1200 to 167.1230 may remain in such nonresident district;**

10           **(3) All transportation costs for such eligible transferring students that had been**  
11 **reimbursable under subsection 6 of section 167.1210 from the parent public school**  
12 **choice fund shall be considered eligible transportation expenses under section 163.161**  
13 **for the nonresident district; and**

14           **(4) All nonresident districts that received reimbursement for nonresident**  
15 **students who received special education services under 167.1211 from the parent public**  
16 **school choice fund shall add to the nonresident district's calculation of weighted average**  
17 **daily attendance for such student an additional twenty-five hundredths per such**  
18 **nonresident student.**

19           **2. No student shall be enrolled under sections 167.1200 to 167.1230 before July 1,**  
20 **2025.**

✓