

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 160, Page 5, Section 160.231,  
2 Line 27, by inserting after all of the said section and line the following:  
3

4 "167.1200. 1. Sections 167.1200 to 167.1230 shall be known and may be cited as the "Public School  
5 Open Enrollment Act".

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

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

8 (2) "Local education agency" or "LEA", any school district and any charter school that has declared  
9 itself a local education agency;

10 (3) "Nonresident local education agency" or "nonresident LEA", a local education agency other than  
11 a transferring student's resident LEA;

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

14 (5) "Resident local education agency" or "resident LEA", the local education agency in which the  
15 transferring student 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 student for  
17 educational purposes, or in the case of a student who attends a charter school, such charter school;

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

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

23 (8) "Transferring student", a child who transfers to a nonresident LEA through a public school open  
24 enrollment program under sections 167.1200 to 167.1230 and who:

25 (a) Is beginning kindergarten in the child's resident LEA;

26 (b) Is a student enrolled in a school or a local education agency in kindergarten to grade twelve who  
27 immediately prior to transferring has been enrolled in a local education agency in the student's resident LEA;

28 (c) Was enrolled in a school other than a school in a local education agency;

29 (d) Was attending an FPE school, as such term is defined in section 167.013; or

30 (e) Has moved to this state from another state and has not yet enrolled in a school;

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

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 LEA 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 LEAs;

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

and

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

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

(2) (a) Each LEA shall, before November first of each year, adopt a resolution by a majority vote of the governing body of the LEA that states whether the LEA will or will not 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 an LEA participates in the public school open enrollment program, the LEA shall receive transferring students for the full school year in which the LEA participates.

(3) (a) An LEA may restrict the number of students who may transfer to a nonresident LEA under sections 167.1200 to 167.1230 in each school year to the maximum of three percent of the previous school year's enrollment for the LEA; except that, after the 2027-28 school year, the maximum number of students who may transfer to a nonresident LEA shall increase by one percent for every two consecutive school years the LEA is at its maximum number of students who may transfer out of the LEA pursuant to this paragraph. The maximum percentage of students who may transfer from a resident LEA to a nonresident LEA shall be capped at five percent of the previous school year's enrollment for the resident LEA.

(b) A student seeking to transfer to a nonresident LEA shall be eligible to transfer under sections 167.1200 to 167.1230 and shall count as part of the enrollment for such student's resident LEA for the purposes of the transfer maximum described in paragraph (a) of this subdivision if, in the school year before the school year in which the student seeks to transfer, such student:

a. Was enrolled in a school other than an LEA;

b. Was attending an FPE school, as such term is defined in section 167.013; or

c. Has moved to this state from another state and has not yet enrolled in a school.

(4) (a) The department shall develop and maintain an online resource to facilitate applications for a public school open enrollment transfer as described in sections 167.1200 to 167.1230. Such resource shall enable a nonresident LEA to ensure that the LEA does not accept a transfer application if the acceptance of such transfer application would cause the transferring student's resident LEA to exceed the transfer maximum for the preceding school year.

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

3. Sections 167.1200 to 167.1230 shall not be construed to require an LEA to add teachers, staff, or classrooms or to in any way exceed the requirements and standards established by the nonresident LEA.

4. (1) The department or another entity skilled in policy development shall develop a model policy for determining the number of transfers available under section 167.1215 and establishing specific standards for acceptance and rejection of transfer applications.

(2) Upon adoption of a resolution to participate in the open enrollment program, the governing body of each LEA shall, by resolution, adopt a policy that defines the term "insufficient classroom space" for that LEA and which may account for future population growth of the community in which the LEA is located. The policy shall also establish the specific standards for acceptance and rejection of transfer applications.

(3) The specific standards for acceptance and rejection of transfer applications shall account for future population growth of the community in which the LEA is located and may include, but shall not be limited to:

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

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

(c) Any class-size limitation. An LEA may use projections when determining class-size limitations;

(d) The ratio of students to classroom teachers;

(e) The LEA's projected enrollment; and

(f) Any characteristics of specific programs affected by additional or fewer students attending because of transfers under the public school open enrollment program, provided that special education programs shall not be considered under this paragraph.

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

(a) Is already enrolled in the nonresident LEA; or

(b) Has made an application for enrollment in the same nonresident LEA.

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

(a) Academic achievement;

(b) Athletic or other extracurricular ability;

(c) Disabilities;

(d) English proficiency level; or

(e) Previous disciplinary proceedings, except that any suspension or expulsion from another LEA shall be included.

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

5. A nonresident LEA shall:

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

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

5 6. The governing body of each LEA shall cause the information about the public school open  
 6 enrollment program to be posted on the LEA website and in the student handbook to inform parents of  
 7 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 LEA 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 LEA may deny a transfer to a student who, in the most recent school year, has been  
 16 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 LEA's governing body.

20 9. A student who is denied a transfer under subsection 8 of this section has the right to an in-person  
 21 meeting with the nonresident LEA's governing body. The nonresident LEA shall develop common standards  
 22 for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261.

23 10. (1) As used in this subsection, "school days of enrollment" does not include enrollment in  
 24 summer school, and "varsity" means the highest level of competition offered by one school or LEA against  
 25 the highest level of competition offered by an opposing school or LEA.

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

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

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

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

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

37 b. If a student transfers schools under circumstances that do not meet the athletic eligibility  
 38 requirements under sections 167.1200 to 167.1230, such student may be granted eligibility to participate in

1 interscholastic athletics as hereinafter restricted if the student qualifies under the following terms and  
2 conditions:

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

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

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

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

21 167.1210. 1. A student who applies to enroll in multiple nonresident LEAs and accepts a public  
22 school open enrollment program transfer to a nonresident LEA shall accept only one such transfer per school  
23 year.

24 2. (1) A student who accepts a public school open enrollment program transfer to a nonresident  
25 LEA shall commit to attend and take all courses through the nonresident LEA for at least two school years.  
26 The student may meet with the governing body of the nonresident LEA to be released from such commitment  
27 if extenuating circumstances arise or if the student's resident LEA changes. A transferring student shall not  
28 enroll in the Missouri course access and virtual school program as a full-time equivalent student, as such term  
29 is defined in subsection 2 of section 161.670.

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

35 (3) A transferring student with a school attendance percentage rate below eighty percent for any one  
36 quarter shall be notified of such rate and if such student's attendance rate in the subsequent quarter does not  
37 reach at least ninety percent, the student's transfer and eligibility to attend the nonresident LEA may be  
38 voided by the LEA.

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

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

8       4. (1) The transferring student or the student's parent is responsible for the transportation of the  
9 student to and from the boundaries of the nonresident LEA where the student is enrolled. The nonresident  
10 LEA shall be responsible for the transportation of nonresident students participating in the open enrollment  
11 program within the boundaries of the nonresident LEA in which the school is located.

12       (2) A nonresident LEA shall either establish a bus stop location or utilize an existing bus stop  
13 location to provide transportation services to students participating in the open enrollment program. Costs  
14 incurred for transportation services within the boundaries of a nonresident LEA for students participating in  
15 the open enrollment program shall be included in the nonresident LEA's calculation for reimbursement for  
16 state aid as provided in section 163.161, provided that nothing in this subsection shall be considered when  
17 calculating the efficiency of a nonresident LEA pursuant to the provisions of section 163.161.

18       (3) Notwithstanding any provision of law to the contrary, a nonresident charter school LEA shall be  
19 required to provide transportation services pursuant to this subsection only if such charter school LEA  
20 provides transportation services to resident students. Nothing in this subsection shall be construed to require  
21 charter school LEAs to begin offering transportation services if such services are not currently provided.

22       5. Notwithstanding the provisions of chapter 160, chapter 163, or federal calculations of military  
23 impact aid to the contrary, for the purposes of determining state and federal aid, a transferring student shall be  
24 counted as a resident pupil of the nonresident school district LEA in which the student is enrolled, and for a  
25 student transferring to a nonresident charter school LEA, the charter school shall receive a state aid payment  
26 in an amount determined by multiplying the charter school's weighted average daily attendance of such  
27 transferring student by the state adequacy target and multiplying this product by the dollar-value modifier for  
28 the district in which the charter school is located, and the provisions of section 160.415 shall not apply to any  
29 state aid calculation for a transferring pupil who enrolls in a nonresident charter school LEA. For purposes of  
30 this subsection, the terms "dollar-value modifier", "state adequacy target", and "weighted average daily  
31 attendance" shall have the same meaning as such terms are defined in section 163.011.

32       6. Notwithstanding any provision of law to the contrary, for the purposes of payment to a special  
33 school district established pursuant to the provisions of sections 162.670 to 162.996, a transferring student  
34 receiving services from a special school district shall be counted as a resident pupil of the nonresident LEA in  
35 which the student is enrolled. If such student receives fifty percent or more of such student's instruction from  
36 the special school district, the special school district shall, in lieu of the nonresident LEA, receive all funding  
37 which would otherwise be paid to the nonresident LEA pursuant to the provisions of sections 167.1200 to  
38 167.1230 for such student.

1        7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any resident LEA of its  
2 responsibility to pay any costs required under sections 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 LEA shall receive reimbursement from the parent public  
5 school choice fund established in section 167.1212 for the costs of the special educational services for the  
6 student 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 LEA 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 appropriations made by the general assembly to provide moneys for the public school  
12 open enrollment program. The state treasurer shall be custodian of the fund. In accordance with sections  
13 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and,  
14 upon appropriation, moneys in the fund shall be used solely as provided in sections 167.1200 to 167.1230.

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

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

19       4. Moneys appropriated to and deposited in the fund shall be used to supplement, not supplant, state  
20 aid distributed to LEAs under chapter 160 or chapter 163 and shall be used solely to compensate LEAs that  
21 participate in the public school open enrollment program established in sections 167.1200 to 167.1230.

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

26       167.1215. 1. Before November first annually, each LEA shall set the number of transfer students the  
27 LEA is willing to receive for the following school year under sections 167.1200 to 167.1230. The LEA may  
28 create criteria for the acceptance of students including, but not limited to, the number of students by building,  
29 grade, classroom, or program.

30       2. (1) Each LEA shall publish the number set under this section, notify the department of such  
31 number, and shall not accept any transfer students under this section who would cause the LEA to exceed the  
32 published number.

33       (2) The LEA shall delineate such published number by building, grade, classroom, or program if  
34 such criteria for acceptance have been set by the LEA.

35       3. Before November first annually, a special school district established pursuant to the provisions of  
36 sections 162.670 to 162.996 shall consult with each partner school district regarding resources and  
37 capabilities for providing special education services for transferring students in each partner school district.  
38 In addition to the partner school district's reporting obligations, the special school district shall notify the  
39 department of the number of likely available spots for special education services at each partner school

1 district. Such notification shall include the number of likely available spots at school buildings operated by  
 2 the special school district. Such numbers shall be reported and published by building, grade, classroom, or  
 3 program. Notwithstanding the foregoing, all participating LEAs shall comply with all state and federal laws,  
 4 regulations, and other requirements regarding the provision of special education services.

5 4. (1) The online resource created and maintained by the department as described in section  
 6 167.1205 shall include a waiting list for applications to nonresident LEAs if a transfer cannot be accepted  
 7 because the number of transfers applied for exceeds the number of transfers available. The online resource  
 8 shall notify each applicant that the applicant's transfer application may be subject to placement on such  
 9 waiting list if such transfer application is included in a number of transfer applications that exceeds the  
 10 number of transfers available.

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

13 (a) Siblings of students already enrolled in the LEA;

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

15 (c) Children of LEA employees;

16 (d) Students who had previously attended school in the LEA but whose parents have moved out of  
 17 the LEA; and

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

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

23 167.1220. 1. (1) If a student seeks to attend a school in a nonresident LEA under sections 167.1200  
 24 to 167.1230, the student's parent shall submit an application:

25 (a) To the department, using the online resource described in section 167.1205, beginning on  
 26 November fifteenth in the school year before the school year in which the student seeks to begin the fall  
 27 semester at the nonresident LEA;

28 (b) On a form approved by the department that contains the student's necessary information for  
 29 enrollment in another LEA; and

30 (c) Before January first of the school year before the school year in which the student seeks to begin  
 31 the fall semester at the nonresident LEA.

32 (2) No more than five transfer applications per school year shall be submitted for any student.

33 2. Upon receiving an application under subsection 1 of this section, the department shall assign a  
 34 unique identifying number to the application.

35 3. On or before January fifteenth, the department shall:

36 (1) Conduct a lottery of eligible applications to determine which student transfers will be approved,  
 37 subject to the conditions for approval under sections 167.1200 to 167.1230; and

38 (2) Notify the nonresident LEA of such applications that the department has approved for transfer.



1       4. (1) The governing body of the nonresident LEA shall request from all schools previously  
2 attended by the student within the last twelve months including the student's resident LEA, if applicable:

3       (a) Those records required by LEA policy for student transfer, including any applicable special  
4 education records;

5       (b) Those discipline records required by subsection 9 of section 160.261; and

6       (c) Records of any behavioral risk assessment completed on the student.

7       (2) An LEA that receives a request for such records from another LEA enrolling a student that had  
8 previously attended a school in such LEA shall respond to such request within five business days of receiving  
9 the request.

10       (3) The officials and authorities to whom such information is disclosed shall comply with applicable  
11 restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E), as amended.

12       5. (1) The governing body of the nonresident LEA shall within ten business days:

13       (a) Review each application as received from the department;

14       (b) Determine whether such LEA shall accept or reject such application based on the standards in the  
15 LEA's policy for open enrollment under sections 167.1200 to 167.1230 adopted by the governing body and a  
16 review of records provided under subsection 4 of this section; and

17       (c) Inform the department of such determination.

18       (2) Provided the nonresident LEA has additional seats available for transfer students pursuant to  
19 such LEA's policy adopted in accordance with the provisions of section 167.1205, if the nonresident LEA  
20 rejects an application, the department shall send the next application on the waiting list to the nonresident  
21 LEA for consideration.

22       6. (1) (a) Before March first of the school year before the school year in which the student seeks to  
23 enroll in a nonresident LEA under sections 167.1200 to 167.1230, the nonresident LEA's governing body  
24 shall notify the department as to whether the student's application has been accepted or rejected through the  
25 online resource created under section 167.1205.

26       (b) Within three business days after sending notifications to the resident LEA and the nonresident  
27 LEA, the department shall notify the parent whether the student's application has been accepted or rejected by  
28 the nonresident LEA. The notification shall be sent electronically and by first-class mail to the address on the  
29 application.

30       (2) If the application is rejected, the department's notification shall state the receiving nonresident  
31 LEA's reason for the rejection.

32       (3) If the application is accepted, the department shall state in the notification:

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

35       (b) Instructions for the procedures established for enrollment of students with special needs as  
36 provided in section 167.1224 in the nonresident LEA.

37       (4) If the application is accepted, the department shall notify:

38       (a) The resident LEA of the student's participation; and

1           (b) The student and the student's parent of the opportunity to participate in an anonymous survey  
 2 provided by the department regarding all reasons for the student's and parent's interest in participating in the  
 3 public school open enrollment program.

4           7. The department shall publish an annual report based on the anonymous survey conducted under  
 5 subdivision (4) of subsection 6 of this section that provides aggregate data of sufficient detail to allow  
 6 analysis of trends regarding the reasons for participation in the public school open enrollment program at the  
 7 statewide, regional, local levels. In such annual report, the department shall also include aggregate data of  
 8 sufficient detail to allow detection and analysis of the impact of the public school open enrollment program  
 9 on racial, ethnic, and socioeconomic balance among schools and LEAs at the statewide, regional, and local  
 10 levels. No such survey results published under this subsection shall be published in a manner that would  
 11 allow for the identification of data attributable to a specific LEA or that reveals information regarding a group  
 12 of five or fewer students. The department shall privately share data specific to each LEA with each LEA  
 13 prior to publishing the annual report.

14           8. (1) If a student declines enrolling in the nonresident LEA, the department shall send the LEA the  
 15 next application on the LEA's waiting list for consideration.

16           (2) Upon receiving such next application, the nonresident LEA shall follow the procedures in  
 17 subsection 5 of this section.

18           9. No additional open enrollment transfer applications shall be sent by the department or approved  
 19 by a nonresident LEA after April fifteenth of the school year immediately preceding the school year of  
 20 enrollment.

21           167.1224. 1. Before enrollment in a nonresident LEA, a student with any of the following who is  
 22 notified by the department that such student is accepted for a transfer to a nonresident LEA shall be provided  
 23 the same process that exists for a resident student moving into the nonresident LEA:

24           (1) An individualized education program, or IEP, as such term is defined in 20 U.S.C. Section 1401,  
 25 as amended;

26           (2) An individualized family service plan, or IFSP, as such term is defined in 20 U.S.C. Section  
 27 1401, as amended;

28           (3) A 504 plan created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.  
 29 Section 794, as amended;

30           (4) A placement in an English as a second language (ESL) program;

31           (5) An identification as a gifted child eligible for a program or service under section 162.720; or

32           (6) A diagnosis of dyslexia, as such term is defined in section 633.420.

33           2. The nonresident LEA, parent, or both shall have the opportunity to reevaluate such student to  
 34 determine what comparable services may be required under section 162.700 or the special education  
 35 programs or services for which such student may be eligible.

36           3. The nonresident LEA is responsible for providing a free appropriate public education to the  
 37 student.

38           4. The nonresident LEA shall provide the same or substantially similar services as a resident student  
 39 would receive, as applicable.

1        5. Before choosing to enroll in the nonresident LEA, if necessary, the student and parent shall be  
 2 provided the opportunity to develop a new or amended IEP, IFSP, or 504 plan or to evaluate the ESL, gifted,  
 3 or dyslexia programs and services provided by the nonresident LEA.

4        6. The nonresident LEA shall provide the student and parent with prior written notice documenting  
 5 the services and supports that the nonresident LEA determines appropriate to meet the student's needs. The  
 6 nonresident LEA shall offer the transferring student ten business days to accept or decline the acceptance of  
 7 the nonresident LEA.

8        7. Any LEA participating in the public school open enrollment program that is served by a special  
 9 school district established under sections 162.670 to 162.996 shall execute a form agreement prepared by the  
 10 department with such special school district regarding finance, staffing, and other relevant items relating to  
 11 any students requiring special education services prior to participating in open enrollment. An LEA and a  
 12 special school district may choose to modify such form agreement, but no such modifications shall inhibit or  
 13 delay the LEA's participating in the public school open enrollment program.

14        8. In compliance with the requirements of federal and state laws, the nonresident LEA shall make  
 15 reasonable accommodations and modifications to address the needs of incoming transferring students and to  
 16 provide such transferring students with equal access to a free appropriate public education.

17        9. This section shall not be construed to preclude a nonresident LEA from adding additional staff,  
 18 services, or programs not already being offered by the nonresident LEA unless the nonresident LEA elects to  
 19 or from performing subsequent evaluations, when appropriate, to ensure proper placement of a transferring  
 20 student after enrollment.

21        167.1225. 1. If sections 167.1200 to 167.1230 conflict with a provision of an enforceable  
 22 desegregation court order or an LEA's court-approved desegregation plan regarding the effects of past racial  
 23 segregation in student assignment, the provisions of the order or plan shall govern.

24        2. (1) An LEA may annually declare an exemption from sections 167.1200 to 167.1230 if the LEA  
 25 is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial  
 26 segregation or a settlement agreement remedying the effects of past racial segregation.

27        (2) An exemption declared by the governing body of an LEA under subdivision (1) of this  
 28 subsection is irrevocable for one year from the date the LEA notifies the department of the declaration of  
 29 exemption.

30        (3) After each year of exemption, the governing body of an LEA may elect to participate in the  
 31 public school open enrollment program under sections 167.1200 to 167.1230 if the LEA's participation does  
 32 not conflict with the LEA's federal court-ordered desegregation program or settlement agreement remedying  
 33 the effects of past racial segregation.

34        (4) An LEA shall notify the department before November first if in the next school year the LEA  
 35 intends to:

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

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

38        (5) If a student is unable to transfer because of the limits under this subsection, the resident LEA  
 39 shall give the student priority for a transfer in the following school year in the order that the resident LEA

1 receives notices of application under section 167.1220, as evidenced by a notation made by the LEA on the  
2 applications indicating the date and time of receipt.

3 3. (1) Any student who transfers to a nonresident LEA under section 167.131, sections 162.1040 to  
4 162.1061, or any section other than sections 167.1200 to 167.1230 shall not be subject to any requirements  
5 under sections 167.1200 to 167.1230.

6 (2) LEAs receiving transfer students or sending transfer students to nonresident LEAs under section  
7 167.131, sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230 shall not be  
8 subject to any requirements under sections 167.1200 to 167.1230 for those transfer students.

9 4. (1) A student transferring to a nonresident LEA under sections 167.1200 to 167.1230 shall not be  
10 considered a transfer student under any law relating to another transfer program or procedure that allows  
11 students to transfer out of their resident LEAs.

12 (2) This subdivision shall apply only to students who attend a school in an LEA that is not a charter  
13 school and does not offer education in a grade higher than grade eight as follows:

14 (a) If such student enrolls in a nonresident LEA that is not a charter school under sections 167.1200  
15 to 167.1230 before the end of such student's fifth-grade year, the provisions of 167.1200 to 167.1230 shall  
16 apply for such student; and

17 (b) If such student does not enroll in such nonresident LEA that is not a charter school before the end  
18 of such student's fifth-grade year, such student may transfer to such nonresident LEA during a year in which  
19 such student is in grade six, seven, or eight under sections 167.1200 to 167.1230. When such student enters  
20 grade nine, such student's resident LEA shall:

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

23 b. Pay the amount of such difference above zero to such nonresident LEA; and

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

25 (3) If a student transfers under sections 167.1200 to 167.1230 to a nonresident LEA that is not a  
26 charter school and does not offer education in a grade higher than grade eight, such nonresident LEA shall  
27 not be considered such student's resident LEA for any purpose after such student completes grade eight or  
28 upon such student's transfer out of such nonresident LEA before such student completes grade eight.

29 167.1229. 1. (1) The department shall collect data from LEAs on the number of applications for  
30 student transfers under sections 167.1200 to 167.1230 and study the effects of public school open enrollment  
31 program transfers under sections 167.1200 to 167.1230. The department shall consider, as part of its study,  
32 the maximum number of transfers and exemptions for both resident and nonresident LEAs for up to two years  
33 to determine if a significant racially segregative impact has occurred to any LEA.

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

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

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

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

3           2. The department shall annually make a random selection of ten percent of the LEAs participating  
4 in the public school open enrollment program under sections 167.1200 to 167.1230. The department shall  
5 audit each selected LEA's transfers approved or denied under policies adopted by the governing body under  
6 sections 167.1200 to 167.1230. If the department determines that a selected LEA is improperly  
7 implementing and administering the transfer process established under sections 167.1200 to 167.1230, the  
8 department may withhold any state aid provided to the LEA under chapter 160 or chapter 163 until the LEA  
9 corrects the transfer process improprieties identified by the department's audit.

10           167.1230. No student shall be enrolled under sections 167.1200 to 167.1230 before July 1, 2027.";

11 and

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.