

FIRST REGULAR SESSION

HOUSE BILL NO. 711

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT.

0273H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Sections 167.020 and 167.151, RSMo, are repealed and thirteen new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

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

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

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

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

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

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.

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 [~~1412;~~] **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 maximum of three percent of the previous school year's enrollment for the district.

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

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

34 3. (1) Sections 167.1200 to 167.1230 shall not be construed to require a school
35 district to add teachers, staff, or classrooms or to in any way exceed the requirements
36 and standards established by existing law or the nonresident district.

37 (2) Sections 167.1200 to 167.1230 shall not be construed to require a school
38 district to provide special educational services for children with disabilities who are
39 three years of age or older and who do not reside in the school district under section
40 162.700 if the nonresident district determines, as provided in the nonresident district's
41 model policy adopted under subsection 4 of this section, that the school district is unable
42 to provide appropriate special educational services as required under section 162.700
43 for a child with disabilities seeking a transfer under sections 167.1200 to 167.1230. The
44 determination shall be made by the nonresident district after consultation with the
45 child's resident district and any local public, private, and not-for-profit agencies that
46 provide services for children with disabilities. The nonresident district shall make the
47 determination before approving an application for a transfer under sections 167.1200 to
48 167.1230. If a determination is required under this subdivision, the child seeking the
49 transfer shall remain enrolled in the child's resident district until such determination
50 becomes final.

51 (3) Prior to participating in the public school open enrollment program created
52 in sections 167.1200 to 167.1230, any school district that is served by a special school

53 district established under sections 162.670 to 162.995 shall enter into an agreement with
54 such special school district regarding finance, staffing, and other relevant items relating
55 to any students requiring special education services prior to participating in open
56 enrollment.

57 4. (1) The department or another entity skilled in policy development shall
58 develop a model policy for determining the number of transfers available under section
59 167.1215 and establishing specific standards for acceptance and rejection of transfer
60 applications under section 167.1227. Regardless of whether a school district
61 participates in the public school open enrollment program, the board of education of
62 each school district shall, by resolution, adopt the model policy with any changes
63 necessary for a particular district's needs.

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

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

- 69 (a) The capacity of a school building, grade level, class, or program;
70 (b) The availability of classroom space in each school building;
71 (c) Any class-size limitation;
72 (d) The ratio of students to classroom teachers;
73 (e) The district's projected enrollment; and
74 (f) Any characteristics of specific programs affected by additional or fewer
75 students attending because of transfers under the public school open enrollment
76 program.

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

- 80 (a) Is already enrolled in the nonresident district; or
81 (b) Has made an application for enrollment in the same nonresident district.
82 (5) The specific standards for acceptance and rejection of transfer applications
83 shall not include an applicant's:
84 (a) Academic achievement;
85 (b) Athletic or other extracurricular ability;
86 (c) Disabilities;
87 (d) English proficiency level; or
88 (e) Previous disciplinary proceedings, except that any suspension or expulsion
89 from another district shall be included.

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

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

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

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

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

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

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

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

105 **7. If a student wishes to attend a school within a nonresident district that is a**
106 **magnet school, an academically selective school, or a school with a competitive entrance**
107 **process that has admissions requirements, the student shall furnish proof that the**
108 **student meets the admissions requirements in the application described under section**
109 **167.1220.**

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

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

120 **10. (1) As used in this subsection, "school days of enrollment" does not include**
121 **enrollment in summer school, and "varsity" means the highest level of competition**
122 **offered by one school or school district against the highest level of competition offered**
123 **by an opposing school or school district.**

124 **(2) (a) Except as provided in this paragraph, a student who participates in open**
125 **enrollment for purposes of attending a grade in grades nine to twelve in a school district**
126 **other than the district of residence is ineligible to participate in interscholastic athletics**

127 for three hundred sixty-five days unless the student's case meets the standards under the
128 following exceptions:

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

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

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

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

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

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

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

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

159 (b) Nothing in this section or section 167.1210 shall prevent a statewide athletic
160 association that provides oversight for athletic or activity eligibility for students from
161 imposing a stricter penalty upon any transferring student who is determined to have
162 been unduly influenced to participate in or not to participate in the public school open
163 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. If moneys are available in the parent public school choice fund established in**
39 **section 167.1212, may choose to be reimbursed by such fund for the costs of**
40 **transportation of the student as provided 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 appropriations made by the general
3 assembly to provide moneys for the public school open enrollment program. The state
4 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
5 the state treasurer may approve disbursements. The fund shall be a dedicated fund and,
6 upon appropriation, moneys in the fund shall be used solely as provided in sections
7 167.1200 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 number of transfer students the district is willing to receive for the following school year under sections 167.1200 to 167.1230. The district may create criteria for the acceptance of students including, but not limited to, the number of students by building, grade, classroom, or program.

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

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

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

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

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

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

(c) Children of school district employees;

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

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

(3) A parent of a student on the waiting list shall be informed by the department of the details of the operation of the list and whether the parent will be required to refile a 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 sections 167.1200 to 167.1230, the student's parent shall submit an application:

(1) To the department, using the online resource described in section 167.1205;

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

(3) Before February first of the school year before the school year in which the student seeks to begin the fall semester at the nonresident district.

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

10 3. On or before February fifteenth, the department shall:

11 (1) Conduct a lottery of eligible applications to determine which student
12 transfers will be approved, subject to the conditions for approval under sections
13 167.1200 to 167.1230; and

14 (2) Notify the nonresident district of such applications that the department has
15 approved for transfer.

16 4. (1) The superintendent of the nonresident district shall:

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

18 (b) Determine if such district will accept or reject such application; and

19 (c) Inform the department of such determination.

20 (2) If the superintendent rejects an application, the superintendent shall present
21 the rejected application with the superintendent's reasons for the rejection to the school
22 board for review.

23 (3) If the nonresident district rejects an application, the department shall send
24 the next application on the waiting list to the nonresident district for consideration.

25 5. (1) If a resident district believes that a receiving nonresident district is
26 violating this section, the resident district may, within fifteen days after school board
27 action by the receiving nonresident district, submit an appeal to the commissioner of
28 education.

29 (2) The commissioner of education or the commissioner's designee shall attempt
30 to mediate the dispute to reach approval by both school boards. If approval is not
31 reached under mediation, the commissioner shall conduct a hearing and shall hear
32 testimony from both school boards. Within ten days following the hearing, the
33 commissioner shall render a decision upholding or reversing the decision by the school
34 board of the receiving nonresident district. Within five days after the commissioner's
35 decision, the school board may appeal the decision of the commissioner to the state
36 board of education as provided in state law.

37 6. (1) (a) Before April first of the school year before the school year in which the
38 student seeks to enroll in a nonresident district under sections 167.1200 to 167.1230, the
39 nonresident district's superintendent shall notify the department as to whether the
40 student's application has been accepted or rejected through the online resource created
41 under section 167.1205. The online resource shall evaluate all accepted applications to
42 determine all acceptances allowable under the limitations of sections 167.1200 to
43 167.1230. The online resource shall provide notice on April first to all resident and

44 **nonresident districts regarding the acceptance or rejection of each application under the**
45 **limitations of sections 167.1200 to 167.1230.**

46 **(b) Within three business days after sending notifications to the resident district**
47 **and the receiving nonresident district, the department shall notify the parent whether**
48 **the student's application has been accepted or rejected. The notification shall be sent**
49 **electronically and by first-class mail to the address on the application.**

50 **(2) If the application is rejected, the department's notification shall state the**
51 **receiving nonresident district's reason for the rejection.**

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

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

55 **(b) Instructions for the procedures established for renewing enrollment in the**
56 **nonresident district each year.**

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

58 **(a) The resident district of the student's participation; and**

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

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

73 **(6) (a) If a student declines enrolling in the nonresident district, the department**
74 **shall send the district the next application on the district's waiting list for consideration.**

75 **(b) Upon receiving such next application, the nonresident district shall:**

76 **a. Make a determination on the application; and**

77 **b. Inform the department of the district's determination.**

78 **(c) Upon receiving such nonresident district's determination, the department**
79 **shall:**

80 a. Notify the parent of the student on the waiting list whether the student's
81 application has been accepted or rejected;

82 b. If the application is accepted, provide instructions on how to enroll; and

83 c. If the application is accepted, provide a reasonable deadline before which such
84 student shall enroll, after which such deadline such acceptance notification is void.

85 (7) No additional open enrollment transfer applications shall be sent by the
86 department or approved by a nonresident district after May thirty-first of the school
87 year immediately preceding the school year of enrollment.

167.1225. 1. If sections 167.1200 to 167.1230 conflict with a provision of an
2 enforceable desegregation court order, a district's court-approved desegregation plan
3 regarding the effects of past racial segregation in student assignment, the provisions of
4 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 December first if in the
18 next 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) If a student is unable to transfer because of the limits under this subsection,
22 the resident district shall give the student priority for a transfer in the following school
23 year in the order that the resident district receives notices of application under section
24 167.1220, as evidenced by a notation made by the district on the applications indicating
25 the date and time of receipt.

26 3. (1) Any student who transfers to a nonresident district under section 167.131,
27 sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230
28 shall not be subject to any requirements under sections 167.1200 to 167.1230.

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

33 **4. (1) A student transferring to a nonresident district under sections 167.1200 to**
34 **167.1230 shall not be considered a transfer student under any law relating to another**
35 **transfer program or procedure that allows students to transfer out of their resident**
36 **districts.**

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

39 **(a) If such student enrolls in a nonresident district under sections 167.1200 to**
40 **167.1230 before the end of such student's fifth-grade year, the provisions of 167.1200 to**
41 **167.1230 shall apply for such student; and**

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

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

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

50 **c. Follow all other procedures as if such student transferred under section**
51 **167.131.**

52 **(3) If a student transfers under sections 167.1200 to 167.1230 to a nonresident**
53 **district that does not offer education in a grade higher than grade eight, such**
54 **nonresident district shall not be considered such student's resident district for any**
55 **purpose after such student completes grade eight or upon such student's transfer out of**
56 **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 are eligible for reimbursement for nonresident
15 students who received special education services under section 167.1211 from the parent
16 public school choice fund shall add to the nonresident district's calculation of weighted
17 average daily attendance for such student an additional twenty-five hundredths per
18 such nonresident student.

19 2. No student shall be enrolled under sections 167.1200 to 167.1230 before July 1,
20 2026.

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