

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 711**  
**103RD GENERAL ASSEMBLY**

0273H.03C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

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

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

Section A. Sections 167.020 and 167.151, RSMo, are repealed and fourteen new  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, 167.1224, 167.1225,  
4 167.1227, 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.

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:

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.

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 who transfers to a nonresident district  
27 through a public school open enrollment program under sections 167.1200 to 167.1230  
28 and who:

29           (a) Is beginning kindergarten in the child's resident district;

30           (b) Is a public school student in kindergarten to grade twelve who immediately  
31 prior to transferring has been enrolled in a public school in the student's resident  
32 district;

33           (c) Was enrolled in a school other than a public school;

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

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

37           (10) "Transfer year", the school year in which a transferring student attends  
38 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 November 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) 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           **(b) A student seeking to transfer to a nonresident district shall be eligible to**  
25 **transfer under sections 167.1200 to 167.1230 and shall count as part of the enrollment**  
26 **for such student's resident district for the purposes of the three-percent maximum**  
27 **described in paragraph (a) of this subdivision if, in the school year before the school**  
28 **year in which the student seeks to transfer, such student:**

29           **a. Was enrolled in a school other than a public school;**

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

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

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

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

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

45           **4. (1) The department or another entity skilled in policy development shall**  
46 **develop a model policy for determining the number of transfers available under section**  
47 **167.1215 and establishing specific standards for acceptance and rejection of transfer**  
48 **applications under section 167.1227. Regardless of whether a school district**

49 participates in the public school open enrollment program, the board of education of  
50 each school district shall, by resolution, adopt the model policy with any changes  
51 necessary for a particular district's needs.

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

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

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

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

59 (c) Any class-size limitation;

60 (d) The ratio of students to classroom teachers;

61 (e) The district's projected enrollment; and

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

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

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

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

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

73 (a) Academic achievement;

74 (b) Athletic or other extracurricular ability;

75 (c) Disabilities;

76 (d) English proficiency level; or

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

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

82 5. A nonresident district shall:

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



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

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

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

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

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

94           **7. If a student wishes to attend a school within a nonresident district that is a**  
95 **magnet school, an academically selective school, or a school with a competitive entrance**  
96 **process that has admissions requirements, the student shall furnish proof that the**  
97 **student meets the admissions requirements in the application described under section**  
98 **167.1220.**

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

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

109           **10. (1) As used in this subsection, "school days of enrollment" does not include**  
110 **enrollment in summer school, and "varsity" means the highest level of competition**  
111 **offered by one school or school district against the highest level of competition offered**  
112 **by an opposing school or school district.**

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

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

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

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

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

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

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

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

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

148 (b) Nothing in this section or section 167.1210 shall prevent a statewide athletic  
149 association that provides oversight for athletic or activity eligibility for students from  
150 imposing a stricter penalty upon any transferring student who is determined to have  
151 been unduly influenced to participate in or not to participate in the public school open  
152 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. The student may meet with the

7 superintendent of the nonresident district to be released from such commitment if  
8 extenuating circumstances arise or if the student's resident district changes. At least one  
9 course per semester shall be delivered by the nonresident district in-seat.

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

16 (3) A transferring student with a school attendance percentage rate below eighty  
17 percent for any one quarter shall be notified of such rate and if such student's  
18 attendance rate in the subsequent quarter does not reach at least ninety percent the  
19 student's transfer and eligibility to attend the nonresident district may be voided by the  
20 district.

21 3. (1) Except as otherwise provided in this subsection, a transferring student  
22 attending school in a nonresident district may complete all remaining school years in the  
23 nonresident district without reapplying each school year.

24 (2) A sibling of a transferring student who continues enrollment in a nonresident  
25 district may enroll in or continue enrollment in that nonresident district if the district  
26 has the capacity to accept the sibling without adding teachers, staff, or classrooms or  
27 exceeding the regulations and standards established by law or the policy of the  
28 nonresident district and the sibling has no discipline issues as described in section  
29 167.1205.

30 4. (1) The transferring student or the student's parent is responsible for the  
31 transportation of the student to and from the school in the nonresident district where  
32 the student is enrolled.

33 (2) A nonresident district may enter into an agreement with the student's parent  
34 that the parent may transport the student to an existing bus stop location convenient to  
35 the school district if the school district has capacity available on a bus serving that  
36 location.

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

41 6. (1) (a) Notwithstanding the provisions of subsection 4 of this section to the  
42 contrary, a transferring student described in paragraph (b) of this subdivision:

43           **a. Shall be offered transportation services provided by the nonresident district;**  
44 **or**

45           **b. If moneys are available in the parent public school choice fund established in**  
46 **section 167.1212, may choose to be reimbursed by such fund for the costs of**  
47 **transportation of the student as provided in this subsection.**

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

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

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

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

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

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

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

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

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

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

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

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

77           **(6) The provisions of this subsection shall not be construed to require a**  
78 **nonresident district to offer transportation services if the transportation would**  
79 **constitute a transportation hardship under section 167.121 or require a nonresident**

80 district to travel more than five miles into a contiguous school district or thirty miles  
81 from a public school that a transferring student is attending within the nonresident  
82 district, whichever distance is greater.

83 (7) Nonresident districts providing transportation services under this subsection  
84 may partner or contract with the resident district in providing transportation and shall  
85 also be reimbursed by the parent public school choice fund established in section  
86 167.1212 for the costs of transportation for the student on a quarterly basis and in a  
87 manner determined by the department.

88 7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any  
89 resident district of its responsibility to pay any costs required under section 162.705 or  
90 162.740.

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

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

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

11           **3. (1) The online resource created and maintained by the department as**  
12 **described in section 167.1205 shall include a waiting list for applications to nonresident**  
13 **districts if a transfer cannot be accepted because the number of transfers applied for**  
14 **exceeds the number of transfers available. The online resource shall notify each**  
15 **applicant that the applicant's transfer application may be subject to placement on such**  
16 **waiting list if such transfer application is included in a number of transfer applications**  
17 **that exceeds the number of transfers available.**

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

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

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

22           **(c) Children of school district employees;**

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

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

27           **(3) A parent of a student on the waiting list shall be informed by the department**  
28 **of the details of the operation of the list and whether the parent will be required to refile**  
29 **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**  
2 **sections 167.1200 to 167.1230, the student's parent shall submit an application:**

3           **(1) To the department, using the online resource described in section 167.1205,**  
4 **beginning on November fifteenth in the school year before the school year in which the**  
5 **student seeks to begin the fall semester at the nonresident district;**

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

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

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

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

13           **(1) Conduct a lottery of eligible applications to determine which student**  
14 **transfers will be approved, subject to the conditions for approval under sections**  
15 **167.1200 to 167.1230; and**

16           **(2) Notify the nonresident district of such applications that the department has**  
17 **approved for transfer.**

18           **4. (1) Within two business days of receiving the applications from the**  
19 **department, the superintendent of the nonresident district, or the superintendent's**  
20 **designee, shall request from all schools previously attended by the student within the**  
21 **last twelve months including the student's resident district, if applicable:**

22           **(a) Those records required by district policy for student transfer, including any**  
23 **applicable special education records;**

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

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

26           **(2) A school district that receives a request for such records from another school**  
27 **district enrolling a student that had previously attended a school in such district shall**  
28 **respond to such request within five business days of receiving the request.**

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

32           **5. (1) The superintendent of the nonresident district, or the superintendent's**  
33 **designee, shall within ten business days:**

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

35           **(b) Determine if such district will accept or reject such application based on the**  
36 **standards in the school district's policy for open enrollment under sections 167.1200 to**  
37 **167.1230 adopted by the board and a review of records provided under subsection 4 of**  
38 **this section; and**

39           **(c) Inform the department of such determination.**

40           **(2) If the superintendent rejects an application, the superintendent shall present**  
41 **the rejected application with the superintendent's reasons for the rejection to the school**  
42 **board for review.**

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

45           **6. (1) (a) Before March first of the school year before the school year in which**  
46 **the student seeks to enroll in a nonresident district under sections 167.1200 to 167.1230,**  
47 **the nonresident district's superintendent shall notify the department as to whether the**  
48 **student's application has been accepted or rejected through the online resource created**  
49 **under section 167.1205.**

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

55           **(2) If the application is rejected, the department's notification shall state the**  
56 **receiving nonresident district's reason for the rejection and provide instructions on the**  
57 **right of the student to appeal under section 167.1227.**

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

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

61           **(b) Instructions for the procedures established for enrollment of students with**  
62 **special needs as provided in section 167.1224 in the nonresident district.**

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

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

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

68           **7. The department shall publish an annual report based on the anonymous**  
69 **survey conducted under subdivision (4) of subsection 6 of this section, at the statewide**  
70 **and district levels, that provides data at the statewide and district levels of sufficient**  
71 **detail to allow analysis of trends regarding the reasons for participation in the public**  
72 **school open enrollment program at the statewide, regional, and local district levels. In**  
73 **such annual report, the department shall also include data at the statewide and district**  
74 **levels of sufficient detail to allow detection and analysis of the impact of the public**  
75 **school open enrollment program on racial, ethnic, and socio-economic balance among**  
76 **schools and districts at the statewide, regional, and local district levels. No such survey**



77 results published under this subsection shall be published in a manner that reveals  
78 information regarding a group of five or fewer students.

79       8. (1) If a student declines enrolling in the nonresident district, the department  
80 shall send the district the next application on the district's waiting list for consideration.

81       (2) Upon receiving such next application, the nonresident district shall follow the  
82 procedures in subsection 5 of this section.

83       9. No additional open enrollment transfer applications shall be sent by the  
84 department or approved by a nonresident district after April fifteenth of the school year  
85 immediately preceding the school year of enrollment.

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

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

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

9       (3) A 504 plan created under Section 504 of the federal Rehabilitation Act of  
10 1973, 29 U.S.C. Section 794, as amended;

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

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

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

15       2. The nonresident district, parent, or both shall have the opportunity to  
16 reevaluate such student to determine what comparable services may be required under  
17 section 162.700 or the special education programs or services for which such student  
18 may be eligible.

19       3. The nonresident district is responsible for providing a free appropriate public  
20 education to the student.

21       4. The nonresident district shall provide the same or substantially similar  
22 services as a resident student would receive, as applicable.

23       5. Before choosing to enroll in the nonresident district, if necessary, the student  
24 and parent shall be provided the opportunity to develop a new or amended IEP, IFSP, or  
25 504 plan or to evaluate the ESL, gifted, or dyslexia programs and services provided by  
26 the nonresident district.

27       6. The nonresident district shall provide the student and parent with prior  
28 written notice documenting the services and supports that the nonresident district

29 **determines appropriate to meet the student's needs. The nonresident district shall offer**  
30 **the transferring student ten business days to accept or decline the acceptance to the**  
31 **nonresident district.**

32 **7. Prior to participating in the public school open enrollment program created in**  
33 **sections 167.1200 to 167.1230, any school district that is served by a special school**  
34 **district established under sections 162.670 to 162.995 shall enter into an agreement with**  
35 **such special school district regarding finance, staffing, and other relevant items relating**  
36 **to any students requiring special education services prior to participating in open**  
37 **enrollment.**

38 **8. In compliance with the requirements of federal and state laws, the nonresident**  
39 **district shall make reasonable accommodations and modifications to address the needs**  
40 **of incoming transferring students and to provide such transferring students with equal**  
41 **access to a free appropriate public education.**

42 **9. This section shall not be construed to preclude a nonresident school district**  
43 **from adding additional staff, services, or programs not already being offered by the**  
44 **nonresident district unless the nonresident district elects to or from performing**  
45 **subsequent evaluations, when appropriate, to ensure proper placement of a transferring**  
46 **student after 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 November 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.**

✓