

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 711**

103RD GENERAL ASSEMBLY

0273S.08C

KRISTINA MARTIN, Secretary

**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, with penalty provisions.

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

Section A. Sections 167.020 and 167.151, RSMo, are  
2 repealed and fourteen new sections enacted in lieu thereof, to  
3 be known as sections 167.020, 167.151, 167.1200, 167.1205,  
4 167.1210, 167.1211, 167.1212, 167.1215, 167.1220, 167.1224,  
5 167.1225, 167.1227, 167.1229, and 167.1230, to read as follows:

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

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

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

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

22           2.   **(1)** In order to register a pupil, the **pupil or the**  
23 parent or legal guardian of the pupil **[or the pupil himself**  
24 **or herself]** shall provide, at the time of registration, one  
25 of the following:

26           **[(1)] (a)** Proof of residency in the district. Except  
27 as otherwise provided in section 167.151, the term  
28 "residency" shall mean that a person both physically resides  
29 within a school district and is domiciled within that  
30 district or, in the case of a private school student  
31 suspected of having a disability under the Individuals With  
32 Disabilities Education Act, 20 U.S.C. Section **[1412] 1411,**  
33 et seq., **as amended,** that the student attends private school  
34 within that district. The domicile of a minor child shall  
35 be the domicile of a parent, military guardian pursuant to a  
36 military-issued guardianship or court-appointed legal  
37 guardian. For instances in which the family of a student  
38 living in Missouri co-locates to live with other family  
39 members or live in a military family support community  
40 because one or both of the child's parents are stationed or  
41 deployed out of state or deployed within Missouri under  
42 active duty orders under Title 10 or Title 32 of the United  
43 States Code, the student may attend the school district in  
44 which the family member's residence or family support  
45 community is located. If the active duty orders expire

46 during the school year, the student may finish the school  
47 year in that district;

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

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

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

60 3. Any person subject to the requirements of  
61 subsection 2 of this section may request a waiver from the  
62 district board of any of those requirements on the basis of  
63 hardship or good cause. Under no circumstances shall  
64 athletic ability be a valid basis of hardship or good cause  
65 for the issuance of a waiver of the requirements of  
66 subsection 2 of this section. The district board or  
67 committee of the board appointed by the president and which  
68 shall have full authority to act in lieu of the board shall  
69 convene a hearing as soon as possible, but no later than  
70 forty-five days after receipt of the waiver request made  
71 under this subsection or the waiver request shall be  
72 granted. The district board or committee of the board may  
73 grant the request for a waiver of any requirement of  
74 subsection 2 of this section. The district board or  
75 committee of the board may also reject the request for a  
76 waiver in which case the pupil shall not be allowed to  
77 register. Any person aggrieved by a decision of a district

78 board or committee of the board on a request for a waiver  
79 under this subsection may appeal such decision to the  
80 circuit court in the county where the school district is  
81 located.

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

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

92 6. Subsection 2 of this section shall not apply to a  
93 pupil who is a homeless child or youth, or a pupil attending  
94 a school not in the pupil's district of residence as a  
95 participant in an interdistrict transfer program established  
96 under a court-ordered desegregation program, a pupil who is  
97 a ward of the state and has been placed in a residential  
98 care facility by state officials, a pupil who has been  
99 placed in a residential care facility due to a mental  
100 illness or developmental disability, a pupil attending a  
101 school pursuant to sections 167.121 and 167.151 **or sections**  
102 **167.1200 to 167.1230**, a pupil placed in a residential  
103 facility by a juvenile court, a pupil with a disability  
104 identified under state eligibility criteria if the student  
105 is in the district for reasons other than accessing the  
106 district's educational program, or a pupil attending a  
107 regional or cooperative alternative education program or an  
108 alternative education program on a contractual basis.

109           7. Within two business days of enrolling a pupil, the  
110 school official enrolling a pupil, including any special  
111 education pupil, shall request those records required by  
112 district policy for student transfer and those discipline  
113 records required by subsection 9 of section 160.261 from all  
114 schools previously attended by the pupil within the last  
115 twelve months. Any school district that receives a request  
116 for such records from another school district enrolling a  
117 pupil that had previously attended a school in such district  
118 shall respond to such request within five business days of  
119 receiving the request. School districts may report or  
120 disclose education records to law enforcement and juvenile  
121 justice authorities if the disclosure concerns law  
122 enforcement's or juvenile justice authorities' ability to  
123 effectively serve, prior to adjudication, the student whose  
124 records are released. The officials and authorities to whom  
125 such information is disclosed must comply with applicable  
126 restrictions set forth in 20 U.S.C. Section 1232g(b) (1) (E) ,  
127 **as amended.**

128           8. If one or both of a child's parents are being  
129 relocated to the state of Missouri under military orders, a  
130 school district shall allow remote registration of the  
131 student and shall not require the **student or the** parent or  
132 legal guardian of the student [**or the student himself or**  
133 **herself**] to physically appear at a location within the  
134 district to register the student. Proof of residency, as  
135 described in this section, shall not be required at the time  
136 of the remote registration but shall be required within ten  
137 days of the student's attendance in the school district.

167.151. 1. The school board of any district, in its  
2 discretion, may admit to the school pupils not entitled to  
3 free instruction and prescribe the tuition fee to be paid by

4    them, except as provided in subdivision (2) of subsection 3  
5    of this section [and in]; sections 167.121, 167.131,  
6    167.132, and 167.895; **and sections 167.1200 to 167.1230.**

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

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

31           (2) For all school years beginning on or after July 1,  
32   2023, any current owner of residential real property or  
33   agricultural real property or a named beneficiary of a trust  
34   that currently owns residential real property or  
35   agricultural real property and that pays a school tax in a

district or districts other than the district in which such current owner or current beneficiary resides may send up to four of such owner's or beneficiary's children to a public school, excluding a charter school, in any district in which such owner or trust pays such school tax. For purposes of this subdivision, "residential real property" shall not include any multifamily residential property which exceeds four units. An owner or a named beneficiary of a trust that currently owns residential real property shall not be permitted under this subdivision to send their child to a district outside of the county in which they currently reside. Such owner or beneficiary shall send thirty days' written notice to all school districts involved specifying which school district each child will attend. Such owner or beneficiary shall also present proof of the owner's or trust's annual payment of at least two thousand dollars of school taxes levied on the real property specified in this subdivision within such school district and ownership of the specified real property for not less than the immediately preceding four consecutive years. Neither the resident nor nonresident districts shall be responsible for providing transportation services under this subdivision. The school district attended shall count a child attending under this subdivision in its average daily attendance for the purpose of distribution of state aid under chapter 163, except that such nonresident students shall not be counted in the district's average daily attendance for the purposes of determining eligibility for aid payments under section 163.044.

4. For any school year ending on or before June 30, 2023, any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending

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

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

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



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

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

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

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

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

17           (5) "Resident local education agency" or "resident  
18 LEA", the local education agency in which the transferring  
19 student resides, or in the case of a transferring student  
20 who is subject to joint legal custody or joint physical  
21 custody awarded by a court, the residence designated as the  
22 address of the student for educational purposes, or in the  
23 case of a student who attends a charter school, such charter  
24 school;

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

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

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

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

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

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

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

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

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

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

8           (1) Increasing parental involvement for students whose  
9 parents work in other LEAs;

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

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

15           2. (1) LEAs shall not be required to participate in  
16 the public school open enrollment program.

17           (2) (a) Each LEA shall, before November first of each  
18 year, indicate whether the LEA will participate in the

19 public school open enrollment program created in sections  
20 167.1200 to 167.1230 in the school year beginning on July  
21 first of the following year.

22 (b) If an LEA participates in the public school open  
23 enrollment program, the LEA shall receive transferring  
24 students for the full school year in which the LEA  
25 participates.

26 (3) (a) An LEA may restrict the number of students  
27 who may transfer to a nonresident LEA under sections  
28 167.1200 to 167.1230 in each school year to the maximum of  
29 five percent of the previous school year's enrollment for  
30 the LEA.

31 (b) A student seeking to transfer to a nonresident LEA  
32 shall be eligible to transfer under sections 167.1200 to  
33 167.1230 and shall count as part of the enrollment for such  
34 student's resident LEA for the purposes of the transfer  
35 maximum described in paragraph (a) of this subdivision if,  
36 in the school year before the school year in which the  
37 student seeks to transfer, such student:

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

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

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

43 (4) (a) The department shall develop and maintain an  
44 online resource to facilitate applications for a public  
45 school open enrollment transfer as described in sections  
46 167.1200 to 167.1230. Such resource shall enable a  
47 nonresident LEA to ensure that the LEA does not accept a  
48 transfer application if the acceptance of such transfer  
49 application would cause the transferring student's resident

50 LEA to exceed the transfer maximum for the preceding school  
51 year.

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

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

62 4. (1) The department or another entity skilled in  
63 policy development shall develop a model policy for  
64 determining the number of transfers available under section  
65 167.1215 and establishing specific standards for acceptance  
66 and rejection of transfer applications under section  
67 167.1227. Regardless of whether an LEA participates in the  
68 public school open enrollment program, the governing body of  
69 each LEA shall, by resolution, adopt the model policy with  
70 any changes necessary for a particular LEA's needs.

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

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

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

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

81 (c) Any class-size limitation;

82           (d) The ratio of students to classroom teachers;  
83           (e) The LEA's projected enrollment; and  
84           (f) Any characteristics of specific programs affected  
85 by additional or fewer students attending because of  
86 transfers under the public school open enrollment program,  
87 provided that special education programs shall not be  
88 considered under this paragraph.

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

93           (a) Is already enrolled in the nonresident LEA; or  
94           (b) Has made an application for enrollment in the same  
95 nonresident LEA.

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

99           (a) Academic achievement;  
100           (b) Athletic or other extracurricular ability;  
101           (c) Disabilities;  
102           (d) English proficiency level; or  
103           (e) Previous disciplinary proceedings, except that any  
104 suspension or expulsion from another LEA shall be included.

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

109           5. A nonresident LEA shall:

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

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

114           6. The governing body of each LEA shall cause the  
115 information about the public school open enrollment program  
116 to be posted on the LEA website and in the student handbook  
117 to inform parents of students of the:

118           (1) Availability of the program established under  
119 sections 167.1200 to 167.1230;

120           (2) Application deadline; and

121           (3) Requirements and procedures for resident and  
122 nonresident students to participate in the program.

123           7. If a student wishes to attend a school within a  
124 nonresident LEA that is a magnet school, an academically  
125 selective school, or a school with a competitive entrance  
126 process that has admissions requirements, the student shall  
127 furnish proof that the student meets the admissions  
128 requirements in the application described under section  
129 167.1220.

130           8. A nonresident LEA may deny a transfer to a student  
131 who, in the most recent school year, has been suspended from  
132 school two or more times or who has been suspended for an  
133 act of school violence or expelled under subsection 2 of  
134 section 160.261. A student whose transfer is initially  
135 precluded under this subsection may be permitted to transfer  
136 on a provisional basis as a probationary transfer student,  
137 subject to no further disruptive behavior, upon approval of  
138 the nonresident LEA's governing body.

139           9. A student who is denied a transfer under subsection  
140 8 of this section has the right to an in-person meeting with  
141 the nonresident LEA's governing body. The nonresident LEA  
142 shall develop common standards for determining disruptive  
143 behavior that shall include, but not be limited to, criteria  
144 under section 160.261.

145           10. (1) As used in this subsection, "school days of  
146 enrollment" does not include enrollment in summer school,  
147 and "varsity" means the highest level of competition offered  
148 by one school or LEA against the highest level of  
149 competition offered by an opposing school or LEA.

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

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

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

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

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

169           b. If a student transfers schools under circumstances  
170 that do not meet the athletic eligibility requirements under  
171 sections 167.1200 to 167.1230, such student may be granted  
172 eligibility to participate in interscholastic athletics as  
173 hereinafter restricted if the student qualifies under the  
174 following terms and conditions:

175           (i) A student whose name has been included on a school  
176 eligibility roster at any level for a given sport during the

177 twelve calendar months preceding the date of such transfer  
178 shall be eligible only for subvarsity competition in such  
179 sport for three hundred sixty-five days after the date of  
180 transfer. A student may have unrestricted eligibility in  
181 all other sports in which such student's name has not  
182 appeared on a school eligibility roster;

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

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

199 (b) Nothing in this section or section 167.1210 shall  
200 prevent a statewide athletic association that provides  
201 oversight for athletic or activity eligibility for students  
202 from imposing a stricter penalty upon any transferring  
203 student who is determined to have been unduly influenced to  
204 participate in or not to participate in the public school  
205 open enrollment program outlined in sections 167.1200 to  
206 167.1230.

167.1210. 1. A student who applies to enroll in  
2 multiple nonresident LEAs and accepts a public school open



3 enrollment program transfer to a nonresident LEA shall  
4 accept only one such transfer per school year.

5       2. (1) A student who accepts a public school open  
6 enrollment program transfer to a nonresident LEA shall  
7 commit to attend and take all courses through the  
8 nonresident LEA for at least two school years. The student  
9 may meet with the governing body of the nonresident LEA to  
10 be released from such commitment if extenuating  
11 circumstances arise or if the student's resident LEA  
12 changes. At least one course per semester shall be  
13 delivered by the nonresident LEA in-seat.

14       (2) If a transferring student returns to the student's  
15 resident LEA, the student's transfer shall be void and the  
16 student shall reapply if the student seeks a future public  
17 school open enrollment program transfer. No transferring  
18 student who returns to the student's resident LEA shall  
19 reapply for a future transfer under this subdivision until  
20 after the student has been enrolled in and completed a full  
21 school semester in a school in the student's resident LEA.

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

28       3. (1) Except as otherwise provided in this  
29 subsection, a transferring student attending school in a  
30 nonresident LEA may complete all remaining school years in  
31 the nonresident LEA without reapplying each school year.

32       (2) A sibling of a transferring student who continues  
33 enrollment in a nonresident LEA may enroll in or continue  
34 enrollment in that nonresident LEA if the LEA has the

35 capacity to accept the sibling without adding teachers,  
36 staff, or classrooms or exceeding the regulations and  
37 standards established by law or the policy of the  
38 nonresident LEA and the sibling has no discipline issues as  
39 described in section 167.1205.

40 4. (1) The transferring student or the student's  
41 parent is responsible for the transportation of the student  
42 to and from the school in the nonresident LEA where the  
43 student is enrolled.

44 (2) A nonresident LEA may enter into an agreement with  
45 the student's parent that the parent may transport the  
46 student to an existing bus stop location convenient to the  
47 LEA if the LEA has capacity available on a bus serving that  
48 location.

49 5. Notwithstanding the provisions of chapter 160,  
50 chapter 163, or federal calculations of military impact aid  
51 to the contrary, for the purposes of determining state and  
52 federal aid, a transferring student shall be counted as a  
53 resident pupil of the nonresident LEA in which the student  
54 is enrolled, except that the provisions of subsections 15 to  
55 18 of section 160.415 shall not apply to any nonresident  
56 student transferring to a charter school.

57 6. Nothing in sections 167.1200 to 167.1230 shall be  
58 construed to relieve any resident LEA of its responsibility  
59 to pay any costs required under section 162.705 or 162.740.

167.1211. If a nonresident student receives special  
2 educational services and participates in the public school  
3 open enrollment program, the nonresident LEA shall receive  
4 reimbursement from the parent public school choice fund  
5 established in section 167.1212 for the costs of the special  
6 educational services for the student with an individualized  
7 education program above the state and federal funds received

8 for educating the student. Such reimbursement shall not  
9 exceed three times the current expenditure per average daily  
10 attendance as calculated on the LEA annual secretary of the  
11 board report for the year in which expenditures are claimed.

167.1212. 1. There is hereby created in the state  
2 treasury the "Parent Public School Choice Fund", which shall  
3 consist of appropriations made by the general assembly to  
4 provide moneys for the public school open enrollment  
5 program. The state treasurer shall be custodian of the  
6 fund. In accordance with sections 30.170 and 30.180, the  
7 state treasurer may approve disbursements. The fund shall  
8 be a dedicated fund and, upon appropriation, moneys in the  
9 fund shall be used solely as provided in sections 167.1200  
10 to 167.1230.

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

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

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

25 5. The department shall annually evaluate the  
26 availability and use of moneys from the fund. If the  
27 department determines that additional moneys are needed to  
28 fulfill the purposes of this section, the department shall,

29 as part of the legislative budget process, annually request  
30 such moneys by a specific line item appropriation.

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

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

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

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

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

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

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

- 31           (c) Children of LEA employees;
- 32           (d) Students who had previously attended school in the
- 33 LEA but whose parents have moved out of the LEA; and
- 34           (e) Students whose parents present an employment
- 35 circumstance for which an open enrollment transfer would be
- 36 in the student's best interest.
- 37           (3) A parent of a student on the waiting list shall be
- 38 informed by the department of the details of the operation
- 39 of the list and whether the parent will be required to
- 40 refile a timely application for open enrollment in order to
- 41 remain on the waiting list.

167.1220. 1. If a student seeks to attend a school in

2 a nonresident LEA under sections 167.1200 to 167.1230, the

3 student's parent shall submit an application:

- 4           (1) To the department, using the online resource
- 5 described in section 167.1205, beginning on November
- 6 fifteenth in the school year before the school year in which
- 7 the student seeks to begin the fall semester at the
- 8 nonresident LEA;
- 9           (2) On a form approved by the department that contains
- 10 the student's necessary information for enrollment in
- 11 another LEA; and
- 12           (3) Before January first of the school year before the
- 13 school year in which the student seeks to begin the fall
- 14 semester at the nonresident LEA.

15           2. Upon receiving an application under subsection 1 of

16 this section, the department shall assign a unique

17 identifying number to the application.

18           3. On or before January fifteenth, the department

19 shall:

- 20           (1) Conduct a lottery of eligible applications to
- 21 determine which student transfers will be approved, subject

22 to the conditions for approval under sections 167.1200 to  
23 167.1230; and

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

26 4. (1) The governing body of the nonresident LEA  
27 shall request from all schools previously attended by the  
28 student within the last twelve months including the  
29 student's resident LEA, if applicable:

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

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

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

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

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

44 5. (1) The governing body of the nonresident LEA  
45 shall within ten business days:

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

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

53 (c) Inform the department of such determination.

54           (2) If the nonresident LEA rejects an application, the  
55 department shall send the next application on the waiting  
56 list to the nonresident LEA for consideration.

57           6. (1) (a) Before March first of the school year  
58 before the school year in which the student seeks to enroll  
59 in a nonresident LEA under sections 167.1200 to 167.1230,  
60 the nonresident LEA's governing body shall notify the  
61 department as to whether the student's application has been  
62 accepted or rejected through the online resource created  
63 under section 167.1205.

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

70           (2) If the application is rejected, the department's  
71 notification shall state the receiving nonresident LEA's  
72 reason for the rejection and provide instructions on the  
73 right of the student to appeal under section 167.1227.

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

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

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

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

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

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

91           7. The department shall publish an annual report based  
92 on the anonymous survey conducted under subdivision (4) of  
93 subsection 6 of this section, at the statewide and LEA  
94 levels, that provides data at the statewide and LEA levels  
95 of sufficient detail to allow analysis of trends regarding  
96 the reasons for participation in the public school open  
97 enrollment program at the statewide, regional, and local LEA  
98 levels. In such annual report, the department shall also  
99 include data at the statewide and LEA levels of sufficient  
100 detail to allow detection and analysis of the impact of the  
101 public school open enrollment program on racial, ethnic, and  
102 socioeconomic balance among schools and LEAs at the  
103 statewide, regional, and local LEA levels. No such survey  
104 results published under this subsection shall be published  
105 in a manner that reveals information regarding a group of  
106 five or fewer students.

107           8. (1) If a student declines enrolling in the  
108 nonresident LEA, the department shall send the LEA the next  
109 application on the LEA's waiting list for consideration.

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

113           9. No additional open enrollment transfer applications  
114 shall be sent by the department or approved by a nonresident  
115 LEA after April fifteenth of the school year immediately  
116 preceding the school year of enrollment.



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

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

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

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

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

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

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

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

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

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

5. Before choosing to enroll in the nonresident LEA,  
if necessary, the student and parent shall be provided the  
opportunity to develop a new or amended IEP, IFSP, or 504

33 plan or to evaluate the ESL, gifted, or dyslexia programs  
34 and services provided by the nonresident LEA.

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

41 7. Any LEA participating in the public school open  
42 enrollment program that is served by a special school  
43 district established under sections 162.670 to 162.995 shall  
44 execute a form agreement prepared by the department with  
45 such special school district regarding finance, staffing,  
46 and other relevant items relating to any students requiring  
47 special education services prior to participating in open  
48 enrollment. An LEA and a special school district may choose  
49 to modify such form agreement, but no such modifications  
50 shall inhibit or delay the LEA's participating in the public  
51 school open enrollment program.

52 8. In compliance with the requirements of federal and  
53 state laws, the nonresident LEA shall make reasonable  
54 accommodations and modifications to address the needs of  
55 incoming transferring students and to provide such  
56 transferring students with equal access to a free  
57 appropriate public education.

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

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

6 2. (1) An LEA may annually declare an exemption from  
7 sections 167.1200 to 167.1230 if the LEA is subject to a  
8 desegregation order or mandate of a federal court or agency  
9 remedying the effects of past racial segregation or a  
10 settlement agreement remedying the effects of past racial  
11 segregation.

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

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

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

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

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

27 (5) If a student is unable to transfer because of the  
28 limits under this subsection, the resident LEA shall give  
29 the student priority for a transfer in the following school  
30 year in the order that the resident LEA receives notices of  
31 application under section 167.1220, as evidenced by a

notation made by the LEA on the applications indicating the date and time of receipt.

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

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

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

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

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

(b) If such student does not enroll in such nonresident LEA that is not a charter school before the end of such student's fifth-grade year, such student may transfer to such nonresident LEA during a year in which such student is in grade six, seven, or eight under sections

64 167.1200 to 167.1230. When such student enters grade nine,  
65 such student's resident LEA shall:

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

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

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

73 (3) If a student transfers under sections 167.1200 to  
74 167.1230 to a nonresident LEA that is not a charter school  
75 and does not offer education in a grade higher than grade  
76 eight, such nonresident LEA shall not be considered such  
77 student's resident LEA for any purpose after such student  
78 completes grade eight or upon such student's transfer out of  
79 such nonresident LEA before such student completes grade  
80 eight.

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

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

10 3. Contemporaneously with the filing of the written  
11 appeal under subsection 2 of this section, the student or  
12 the student's parent shall also mail a copy of the written  
13 appeal to the LEA's governing body.

14           4. In the written appeal, the student or student's  
15 parent shall state the basis for appealing the decision of  
16 the nonresident LEA.

17           5. The student or the student's parent shall submit,  
18 along with the written appeal, a copy of the notice of  
19 rejection from the nonresident LEA.

20           6. As part of the review process, the student or  
21 student's parent may submit supporting documentation that  
22 the transfer would be in the best educational, health,  
23 social, or psychological interest of the student.

24           7. The nonresident LEA may submit in writing any  
25 additional information, evidence, or arguments supporting  
26 the LEA's rejection of the student's application by mailing  
27 such response to the department. Such response shall be  
28 postmarked no later than ten days after the nonresident LEA  
29 receives the student's or parent's appeal.

30           8. Contemporaneously with the filing of its response  
31 under subsection 7 of this section, the nonresident LEA  
32 shall also mail a copy of the response to the student or  
33 student's parent.

34           9. If the department overturns the determination of  
35 the nonresident LEA on appeal, the department shall notify  
36 the parent, the nonresident LEA, and the resident LEA of the  
37 basis for the department's decision.

167.1229. 1. (1) The department shall collect data  
2 from LEAs on the number of applications for student  
3 transfers under sections 167.1200 to 167.1230 and study the  
4 effects of public school open enrollment program transfers  
5 under sections 167.1200 to 167.1230. The department shall  
6 consider, as part of its study, the maximum number of  
7 transfers and exemptions for both resident and nonresident

8 LEAs for up to two years to determine if a significant  
9 racially segregative impact has occurred to any LEA.

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

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

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

18 (c) The senate committee on education or any other  
19 education committee designated by the president pro tempore  
20 of the senate.

21 2. The department shall annually make a random  
22 selection of ten percent of the LEAs participating in the  
23 public school open enrollment program under sections  
24 167.1200 to 167.1230. The department shall audit each  
25 selected LEA's transfers approved or denied under policies  
26 adopted by the governing body under sections 167.1200 to  
27 167.1230. If the department determines that a selected LEA  
28 is improperly implementing and administering the transfer  
29 process established under sections 167.1200 to 167.1230, the  
30 department may withhold any state aid provided to the LEA  
31 under chapter 160 or chapter 163 until the LEA corrects the  
32 transfer process improprieties identified by the  
33 department's audit.

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

6           (1) LEAs may make modifications to the LEA's policy  
7     for open enrollment under sections 167.1200 to 167.1230 to  
8     make such reasonable adjustments necessary to ensure  
9     sufficient classroom space;

10          (2) All eligible transferring students enrolled in a  
11     nonresident LEA under sections 167.1200 to 167.1230 may  
12     remain in such nonresident LEA; and

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

20          2. No student shall be enrolled under sections  
21     167.1200 to 167.1230 before July 1, 2026.

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