

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 266**  
**103RD GENERAL ASSEMBLY**

0642H.07C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 161.670 and 168.410, RSMo, and to enact in lieu thereof thirteen new sections relating to responsibilities of publicly funded elementary and secondary educational entities.

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

Section A. Sections 161.670 and 168.410, RSMo, are repealed and thirteen new  
2 sections enacted in lieu thereof, to be known as sections 161.670, 167.1200, 167.1205,  
3 167.1210, 167.1211, 167.1212, 167.1215, 167.1220, 167.1224, 167.1225, 167.1229,  
4 167.1230, and 168.410, to read as follows:

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of  
2 education shall establish the "Missouri Course Access and Virtual School Program" to serve  
3 school-age students residing in the state. The Missouri course access and virtual school  
4 program shall offer nonclassroom-based instruction in a virtual setting using technology,  
5 intranet, or internet methods of communication. Any student under the age of twenty-one in  
6 grades kindergarten through twelve who resides in this state shall be eligible to enroll in the  
7 Missouri course access and virtual school program pursuant to subsection 3 of this section.  
8 2. (1) For purposes of calculation and distribution of state school aid, students  
9 enrolled in the Missouri course access and virtual school program shall be included in the  
10 student enrollment of the school district in which the student is enrolled under the relevant  
11 provisions of subsection 3 of this section for such enrollment. Student attendance for full-  
12 time virtual program students shall only be included in any district pupil attendance  
13 calculation under chapter 163 using current-year pupil attendance for such full-time virtual  
14 program pupils. For the purpose of calculating average daily attendance in full-time virtual

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.

15 programs under this section, average daily attendance shall be defined as the quotient or the  
16 sum of the quotients obtained by dividing the total number of hours attended in a term by  
17 enrolled pupils between the ages of five and twenty-one by the actual number of hours that  
18 the program was in session in that term, and the provisions of section 162.1250 shall not  
19 apply to such funding calculation. Such calculation shall be generated by the virtual provider  
20 and provided to the host district for submission to the department of elementary and  
21 secondary education. Such students may complete their instructional activities, as defined in  
22 subsection 4 of this section, during any hour of the day and during any day of the week. The  
23 hours attended for each enrolled pupil shall be documented by the pupil's weekly progress in  
24 the educational program according to a process determined by the virtual program and  
25 published annually in the virtual program's enrollment handbook or policy. To the average  
26 daily attendance of the following school term shall be added the full-time equivalent average  
27 daily attendance of summer school students. In the case of a host school district enrolling one  
28 or more full-time virtual school students, such enrolling district shall, as part of its monthly  
29 state allocation, receive no less under the state aid calculation for such students than an  
30 amount equal to the state adequacy target multiplied by the weighted average daily attendance  
31 of such full-time students. Students residing in Missouri and enrolled in a full-time virtual  
32 school program operated by a public institution of higher education in this state shall be  
33 counted for a state aid calculation by the department, and the department shall pay, from  
34 funds dedicated to state school aid payments made under section 163.031, to such institution  
35 an amount equal to the state adequacy target multiplied by the weighted average daily  
36 attendance of such full-time students.

37 (2) The Missouri course access and virtual school program shall report to the district  
38 of residence the following information about each student served by the Missouri course  
39 access and virtual school program: name, address, eligibility for free or reduced-price lunch,  
40 limited English proficiency status, special education needs, and the number of courses in  
41 which the student is enrolled. The Missouri course access and virtual school program shall  
42 promptly notify the resident district when a student discontinues enrollment. A "full-time  
43 equivalent student" is a student who is enrolled in the instructional equivalent of six credits  
44 per regular term. Each Missouri course access and virtual school program course shall count  
45 as one class and shall generate that portion of a full-time equivalent that a comparable course  
46 offered by the school district would generate.

47 (3) Pursuant to an education services plan and collaborative agreement under  
48 subsection 3 of this section, full-time equivalent students may be allowed to use a physical  
49 location of the resident school district for all or some portion of ongoing instructional activity,  
50 and the enrollment plan shall provide for reimbursement of costs of the resident district for  
51 providing such access pursuant to rules promulgated under this section by the department.

52           (4) In no case shall more than the full-time equivalency of a regular term of  
53 attendance for a single student be used to claim state aid. Full-time equivalent student credit  
54 completed shall be reported to the department of elementary and secondary education in the  
55 manner prescribed by the department. Nothing in this section shall prohibit students from  
56 enrolling in additional courses under a separate agreement that includes terms for paying  
57 tuition or course fees.

58           (5) A full-time virtual school program serving full-time equivalent students shall be  
59 considered an attendance center in the host school district and shall participate in the  
60 statewide assessment system as defined in section 160.518. The academic performance of  
61 students enrolled in a full-time virtual school program shall be assigned to the designated  
62 attendance center of the full-time virtual school program and shall be considered in like  
63 manner to other attendance centers. The academic performance of any student who disenrolls  
64 from a full-time virtual school program and enrolls in a public school or charter school shall  
65 not be used in determining the annual performance report score of the attendance center or  
66 school district in which the student enrolls for twelve months from the date of enrollment.

67           (6) For the purposes of this section, a public institution of higher education operating  
68 a full-time virtual school program shall be subject to all requirements applicable to a host  
69 school district with respect to its full-time equivalent students.

70           3. (1) A student who resides in this state may enroll in Missouri course access and  
71 virtual school program courses of his or her choice as a part of the student's annual course  
72 load each school year, with any costs associated with such course or courses to be paid by the  
73 school district or charter school if:

74           (a) The student is enrolled full-time in a public school, including any charter school;  
75 and

76           (b) Prior to enrolling in any Missouri course access and virtual school program  
77 course, a student has received approval from his or her school district or charter school  
78 through the procedure described under subdivision (2) of this subsection.

79           (2) Each school district or charter school shall adopt a policy that delineates the  
80 process by which a student may enroll in courses provided by the Missouri course access and  
81 virtual school program that is substantially similar to the typical process by which a district  
82 student would enroll in courses offered by the school district and a charter school student  
83 would enroll in courses offered by the charter school. The policy may include consultation  
84 with the school's counselor and may include parental notification or authorization. The policy  
85 shall ensure that available opportunities for in-person instruction are considered prior to  
86 moving a student to virtual courses. The policy shall allow for continuous enrollment  
87 throughout the school year. If the school district or charter school disapproves a student's  
88 request to enroll in a course or courses provided by the Missouri course access and virtual

89 school program, the reason shall be provided in writing and it shall be for good cause. Good  
90 cause justification to disapprove a student's request for enrollment in a course shall be a  
91 determination that doing so is not in the best educational interest of the student, and shall be  
92 consistent with the determination that would be made for such course request under the  
93 process by which a district student would enroll in a similar course offered by the school  
94 district and a charter school student would enroll in a similar course offered by the charter  
95 school, except that the determination may consider the suitability of virtual courses for the  
96 student based on prior participation in virtual courses by the student. Appeals of any course  
97 denials under this subsection shall be considered under a policy that is substantially similar to  
98 the typical process by which appeals would be considered for a student seeking to enroll in  
99 courses offered by the school district and a charter school student seeking to enroll in courses  
100 offered by the charter school.

101 (3) For students enrolled in any Missouri course access and virtual school program  
102 course in which costs associated with such course are to be paid by the school district or  
103 charter school as described under this subdivision, the school district or charter school shall  
104 pay the content provider directly on a pro rata monthly basis based on a student's completion  
105 of assignments and assessments. If a student discontinues enrollment, the district or charter  
106 school may stop making monthly payments to the content provider. No school district or  
107 charter school shall pay, for any one course for a student, more than the market necessary  
108 costs but in no case shall pay more than fourteen percent of the state adequacy target, as  
109 defined under section 163.011, as calculated at the end of the most recent school year for any  
110 single, year-long course and no more than seven percent of the state adequacy target as  
111 described above for any single semester equivalent course.

112 (4) (a) A student who lives in this state may enroll in a virtual program of their  
113 choice as provided in this subdivision, and the provisions of subdivisions (1) to (3) of this  
114 subsection shall not apply to such enrollment in a full-time virtual program. Each host school  
115 district operating a full-time virtual program under this section shall adopt, operate and  
116 implement an enrollment policy as specified by the provisions of this subdivision. The  
117 student, the student's parent or guardian if the student is not considered homeless, the virtual  
118 program, the host district, and the resident district shall collaborate in good faith to implement  
119 the enrollment policy regarding the student's enrollment, and the resident school district and  
120 the host school district may mutually agree that the resident district shall offer or continue to  
121 offer services for the student under an agreement that includes financial terms for  
122 reimbursement by the host school district for the necessary costs of the resident school district  
123 providing such services. An enrollment policy specified under this subsection shall:

124 a. Require a student's parent or guardian, if the student is not considered homeless, to  
125 apply for enrollment in a full-time virtual program directly with the virtual program;

b. Specify timelines for timely participation by the virtual program, the host district, and resident district; provided that the resident district shall provide any relevant information and input on the enrollment within ten business days of notice from the virtual program of the enrollment application;

c. Include a survey of the reasons for the student's and parent's interests in participating in the virtual program;

d. Include consideration of available opportunities for in-person instruction prior to enrolling a student in a virtual program;

e. Evaluate requests for enrollment based on meeting the needs for a student to be successful considering all relevant factors;

f. Ensure that, for any enrolling student with a covered disability, an individualized education program and a related services agreement, in cases where such agreement is needed, are created to provide all services required to ensure a free and appropriate public education, including financial terms for reimbursement by the host district for the necessary costs of any virtual program, school district, or public or private entity providing all or a portion of such services;

g. Require the virtual program to determine whether an enrolling student will be admitted, based on the enrollment policy, in consideration of all relevant factors and provide the basis for its determination and any service plan for the student, in writing, to the student, the student's parent or guardian, the host district, and the resident district; and

h. Provide a process for reviewing appeals of decisions made under this subdivision.

(b) The department shall publish an annual report based on the enrollments and enrollment surveys conducted under this subdivision that provides data at the statewide and district levels of sufficient detail to allow analysis of trends regarding the reasons for participation in the virtual program at the statewide and district levels; provided that no such survey results will be published in a manner that reveals individual student information. The department shall also include, in the annual report, data at the statewide and district levels of sufficient detail to allow detection and analysis of the racial, ethnic, and socio-economic balance of virtual program participation among schools and districts at the statewide and district levels, provided that no such survey results will be published in a manner that reveals individual student information.

(5) In the case of a student who is a candidate for A+ tuition reimbursement and taking a virtual course under this section, the school shall attribute no less than ninety-five percent attendance to any such student who has completed such virtual course.

(6) The Missouri course access and virtual school program shall ensure that individual learning plans designed by certified teachers and professional staff are developed

162 for all students enrolled in more than two full-time course access program courses or a full-  
163 time virtual school.

164 (7) Virtual school programs shall monitor individual student success and engagement  
165 of students enrolled in their program and, for students enrolled in virtual courses on a part-  
166 time basis, the virtual school program shall provide regular student progress reports for each  
167 student at least four times per school year to the school district or charter school, provide the  
168 host school district and the resident school district ongoing access to academic and other  
169 relevant information on student success and engagement, and shall terminate or alter the  
170 course offering if it is found the course is not meeting the educational needs of the students  
171 enrolled in the course.

172 (8) The department of elementary and secondary education shall monitor the  
173 aggregate performance of providers and make such information available to the public under  
174 subsection 11 of this section.

175 (9) Pursuant to rules to be promulgated by the department of elementary and  
176 secondary education, when a student transfers into a school district or charter school, credits  
177 previously gained through successful passage of approved courses under the Missouri course  
178 access and virtual school program shall be accepted by the school district or charter school.

179 (10) Pursuant to rules to be promulgated by the department of elementary and  
180 secondary education, if a student transfers into a school district or charter school while  
181 enrolled in a Missouri course access and virtual school program course or full-time virtual  
182 school, the student shall continue to be enrolled in such course or school.

183 (11) Nothing in this section shall prohibit home school or FPE school students,  
184 private school students, or students wishing to take additional courses beyond their regular  
185 course load from enrolling in Missouri course access and virtual school program courses  
186 under an agreement that includes terms for paying tuition or course fees.

187 (12) Nothing in this subsection shall require any school district, charter school, virtual  
188 program, or the state to provide computers, equipment, or internet access to any student  
189 unless required under the education services plan created for an eligible student under  
190 subdivision (4) of this subsection or for an eligible student with a disability to comply with  
191 federal law. An education services plan may require an eligible student to have access to  
192 school facilities of the resident school district during regular school hours for participation  
193 and instructional activities of a virtual program under this section, and the education services  
194 plan shall provide for reimbursement of the resident school district for such access pursuant to  
195 rules adopted by the department under this section.

196 (13) The authorization process shall provide for continuous monitoring of approved  
197 providers and courses. The department shall revoke or suspend or take other corrective action  
198 regarding the authorization of any course or provider no longer meeting the requirements of

199 the program. Unless immediate action is necessary, prior to revocation or suspension, the  
200 department shall notify the provider and give the provider a reasonable time period to take  
201 corrective action to avoid revocation or suspension. The process shall provide for periodic  
202 renewal of authorization no less frequently than once every three years.

203 (14) Courses approved as of August 28, 2018, by the department to participate in the  
204 Missouri virtual instruction program shall be automatically approved to participate in the  
205 Missouri course access and virtual school program, but shall be subject to periodic renewal.

206 (15) Any online course or virtual program offered by a school district or charter  
207 school, including those offered prior to August 28, 2018, which meets the requirements of  
208 section 162.1250 shall be automatically approved to participate in the Missouri course access  
209 and virtual school program. Such course or program shall be subject to periodic renewal. A  
210 school district or charter school offering such a course or virtual school program shall be  
211 deemed an approved provider.

212 (16) A host district may contract with a provider to perform any required services  
213 involved with delivering a full-time virtual education.

214 4. (1) As used in this subsection, the term "instructional activities" means classroom-  
215 based or nonclassroom-based activities that a student shall be expected to complete,  
216 participate in, or attend during any given school day, such as:

- 217 (a) Online logins to curricula or programs;
- 218 (b) Offline activities;
- 219 (c) Completed assignments within a particular program, curriculum, or class;
- 220 (d) Testing;
- 221 (e) Face-to-face communications or meetings with school staff;
- 222 (f) Telephone or video conferences with school staff;
- 223 (g) School-sanctioned field trips; or
- 224 (h) Orientation.

225 (2) A full-time virtual school shall submit a notification to the parent or guardian of  
226 any student who is not consistently engaged in instructional activities and shall provide  
227 regular student progress reports for each student at least four times per school year.

228 (3) Each full-time virtual school shall develop, adopt, and post on the school's website  
229 a policy setting forth the consequences for a student who fails to complete the required  
230 instructional activities. Such policy shall state, at a minimum, that if a student fails to  
231 complete the instructional activities after receiving a notification under subdivision (2) of this  
232 subsection, and after reasonable intervention strategies have been implemented, that the  
233 student shall be subject to certain consequences which may include disenrollment from the  
234 school. Prior to any disenrollment, the parent or guardian shall have the opportunity to

235 present any information that the parent deems relevant, and such information shall be  
236 considered prior to any final decision.

237 (4) If a full-time virtual school disenrolls a student under subdivision (3) of this  
238 subsection, the school shall immediately provide written notification to such student's school  
239 district of residence. The student's school district of residence shall then provide to the  
240 parents or guardian of the student a written list of available educational options and promptly  
241 enroll the student in the selected option. Any student disenrolled from a full-time virtual  
242 school shall be prohibited from reenrolling in the same virtual school for the remainder of the  
243 school year.

244 5. School districts or charter schools shall inform parents of their child's right to  
245 participate in the program. Availability of the program shall be made clear in the parent  
246 handbook, registration documents, and featured on the home page of the school district or  
247 charter school's website.

248 6. The department shall:

249 (1) Establish an authorization process for course or full-time virtual school providers  
250 that includes multiple opportunities for submission each year;

251 (2) Pursuant to the time line established by the department, authorize course or full-  
252 time virtual school providers that:

253 (a) Submit all necessary information pursuant to the requirements of the process; and

254 (b) Meet the criteria described in subdivision (3) of this subsection;

255 (3) Review, pursuant to the authorization process, proposals from providers to  
256 provide a comprehensive, full-time equivalent course of study for students through the  
257 Missouri course access and virtual school program. The department shall ensure that these  
258 comprehensive courses of study align to state academic standards and that there is  
259 consistency and compatibility in the curriculum used by all providers from one grade level to  
260 the next grade level;

261 (4) Within thirty days of any denial, provide a written explanation to any course or  
262 full-time virtual school providers that are denied authorization;

263 (5) Allow a course or full-time virtual school provider denied authorization to reapply  
264 at any point in the future.

265 7. The department shall publish the process established under this section, including  
266 any deadlines and any guidelines applicable to the submission and authorization process for  
267 course or full-time virtual school providers on its website.

268 8. If the department determines that there are insufficient funds available for  
269 evaluating and authorizing course or full-time virtual school providers, the department may  
270 charge applicant course or full-time virtual school providers a fee up to, but no greater than,



271 the amount of the costs in order to ensure that evaluation occurs. The department shall  
272 establish and publish a fee schedule for purposes of this subsection.

273 9. Except as specified in this section and as may be specified by rule of the state board  
274 of education, the Missouri course access and virtual school program shall comply with all  
275 state laws and regulations applicable to school districts, including but not limited to the  
276 Missouri school improvement program (MSIP), annual performance report (APR), teacher  
277 certification, curriculum standards, audit requirements under chapter 165, access to public  
278 records under chapter 610, and school accountability report cards under section 160.522.  
279 Teachers and administrators employed by a virtual provider shall be considered to be  
280 employed in a public school for all certification purposes under chapter 168.

281 10. The department shall submit and publicly publish an annual report on the  
282 Missouri course access and virtual school program and the participation of entities to the  
283 governor, the chair and ranking member of the senate education committee, and the chair and  
284 ranking member of the house of representatives elementary and secondary education  
285 committee. The report shall at a minimum include the following information:

286 (1) The annual number of unique students participating in courses authorized under  
287 this section and the total number of courses in which students are enrolled in;

288 (2) The number of authorized providers;

289 (3) The number of authorized courses and the number of students enrolled in each  
290 course;

291 (4) The number of courses available by subject and grade level;

292 (5) The number of students enrolled in courses broken down by subject and grade  
293 level;

294 (6) Student outcome data, including completion rates, student learning gains, student  
295 performance on state or nationally accepted assessments, by subject and grade level per  
296 provider. This outcome data shall be published in a manner that protects student privacy;

297 (7) The costs per course;

298 (8) Evaluation of in-school course availability compared to course access availability  
299 to ensure gaps in course access are being addressed statewide.

300 11. (1) The department shall be responsible for creating the Missouri course access  
301 and virtual school program catalog providing a listing of all courses authorized and available  
302 to students in the state, detailed information, including costs per course, about the courses to  
303 inform student enrollment decisions, and the ability for students to submit their course  
304 enrollments.

305 (2) On or before January 1, 2023, the department shall publish on its website, and  
306 distribute to all school districts and charter schools in this state, a guidance document that  
307 details the options for virtual course access and full-time virtual course access for all students

308 in the state. The guidance document shall include a complete and readily understood  
309 description of the applicable enrollment processes including the opportunity for students to  
310 enroll and the roles and responsibilities of the student, parent, virtual provider, school district  
311 or districts, and charter schools, as appropriate. The guidance document shall be distributed  
312 in written and electronic form to all school districts, charter schools, and virtual providers.  
313 School districts and charter schools shall provide a copy of the guidance document to every  
314 pupil and parent or legal guardian of every pupil enrolled in the district or charter school at  
315 the beginning of each school year and upon enrollment for every pupil enrolling at a different  
316 time of the school year. School districts and charter schools shall provide a readily viewable  
317 link to the electronic version of the guidance document on the main page of the district's or  
318 charter school's website.

319 **12. Any virtual school or program may administer any statewide assessment**  
320 **required pursuant to the provisions of section 160.518, except for college readiness or**  
321 **workforce readiness assessments provided by a national college and career readiness**  
322 **assessment provider, in a virtual setting that aligns with the student's regular academic**  
323 **instruction. Any administration of a virtual statewide assessment shall meet the**  
324 **following conditions:**

325 **(1) The assessment shall be administered to the student at an assigned date and**  
326 **time;**

327 **(2) The assessment shall be administered during a synchronous assessment**  
328 **session initiated and managed by an employee of the virtual school or program;**

329 **(3) The student shall be monitored by an assessment proctor via a camera for the**  
330 **duration of the assessment. If the assessment platform does not allow for integrated**  
331 **camera proctoring, the student shall use two devices during the assessment. The first**  
332 **device shall be used to take the assessment and the second device shall have a**  
333 **functioning camera and be used to monitor the student during the assessment.**  
334 **However, if the assessment platform allows for the proctor to view the student and**  
335 **background, a second device shall not be required;**

336 **(4) The virtual school or program shall maintain a student-assessment-taker-to-**  
337 **assessment-proctor ratio of ten to one or lower;**

338 **(5) The student shall not exit the assessment platform until instructed to do so by**  
339 **the assigned assessment proctor; and**

340 **(6) The student's submission of the completed assessment shall be verified by the**  
341 **assessment administrator.**

342 **13. The state board of education through the rulemaking process and the department**  
343 **of elementary and secondary education in its policies and procedures shall ensure that**  
344 **multiple content providers and learning management systems are allowed, ensure digital**

345 content conforms to accessibility requirements, provide an easily accessible link for providers  
346 to submit courses or full-time virtual schools on the Missouri course access and virtual school  
347 program website, and allow any person, organization, or entity to submit courses or full-time  
348 virtual schools for approval. No content provider shall be allowed that is unwilling to accept  
349 payments in the amount and manner as described under subdivision (3) of subsection 3 of this  
350 section or does not meet performance or quality standards adopted by the state board of  
351 education.

352 ~~[43:]~~ **14.** Any rule or portion of a rule, as that term is defined in section 536.010, that  
353 is created under the authority delegated in this section shall become effective only if it  
354 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
355 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with  
356 the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
357 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
358 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid  
359 and void.

**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) "Local education agency" or "LEA", any school district and any charter**  
6 **school that has declared itself a local education agency;**

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

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

11 **(5) "Resident local education agency" or "resident LEA", the local education**  
12 **agency in which the transferring student resides, or in the case of a transferring student**  
13 **who is subject to joint legal custody or joint physical custody awarded by a court, the**  
14 **residence designated as the address of the student for educational purposes, or in the**  
15 **case of a student who attends a charter school, such charter school;**

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

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

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

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

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

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

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

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

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

**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 LEA 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 **LEAs;**

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

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

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

14           **(2) (a) Each LEA shall, before November first of each year, adopt a resolution**  
15 **by a majority vote of the governing body of the LEA that states whether the LEA will or**  
16 **will not participate in the public school open enrollment program created in sections**  
17 **167.1200 to 167.1230 in the school year beginning on July first of the following year.**

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

21           **(3) (a) An LEA may restrict the number of students who may transfer to a**  
22 **nonresident LEA 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 LEA; except**  
24 **that, after the 2027-28 school year, the maximum number of students who may transfer**  
25 **to a nonresident LEA shall increase by one percent for every two consecutive school**

26 years the LEA is at its maximum number of students who may transfer out of the LEA  
27 pursuant to this paragraph. The maximum percentage of students who may transfer  
28 from a resident LEA to a nonresident LEA shall be capped at five percent of the  
29 previous school year's enrollment for the resident LEA.

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

- 35 a. Was enrolled in a school other than an LEA;  
36 b. Was attending an FPE school, as such term is defined in section 167.013; or  
37 c. Has moved to this state from another state and has not yet enrolled in a school.

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

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

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

51 4. (1) The department or another entity skilled in policy development shall  
52 develop a model policy for determining the number of transfers available under section  
53 167.1215 and establishing specific standards for acceptance and rejection of transfer  
54 applications.

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

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

- 63           (a) The capacity of a school building, grade level, class, or program;  
64           (b) The availability of classroom space in each school building;  
65           (c) Any class-size limitation. An LEA may use projections when determining  
66 class-size limitations;  
67           (d) The ratio of students to classroom teachers;  
68           (e) The LEA's projected enrollment; and  
69           (f) Any characteristics of specific programs affected by additional or fewer  
70 students attending because of transfers under the public school open enrollment  
71 program, provided that special education programs shall not be considered under this  
72 paragraph.
- 73           (4) The specific standards for acceptance and rejection of transfer applications  
74 shall include a statement that priority shall be given to an applicant who has a sibling  
75 who:
- 76           (a) Is already enrolled in the nonresident LEA; or  
77           (b) Has made an application for enrollment in the same nonresident LEA.
- 78           (5) The specific standards for acceptance and rejection of transfer applications  
79 shall not include an applicant's:
- 80           (a) Academic achievement;  
81           (b) Athletic or other extracurricular ability;  
82           (c) Disabilities;  
83           (d) English proficiency level; or  
84           (e) Previous disciplinary proceedings, except that any suspension or expulsion  
85 from another LEA shall be included.
- 86           (6) An LEA receiving transferring students shall not discriminate on the basis of  
87 gender, national origin, race, ethnicity, ancestry, religion, disability, or whether the  
88 student is homeless or a migrant.
- 89           5. A nonresident LEA shall:
- 90           (1) Accept credits toward graduation that were awarded by another LEA to a  
91 transferring student; and  
92           (2) Award a diploma to a transferring student if the student meets the  
93 nonresident LEA's graduation requirements.
- 94           6. The governing body of each LEA shall cause the information about the public  
95 school open enrollment program to be posted on the LEA website and in the student  
96 handbook to inform parents of students of the:
- 97           (1) Availability of the program established under sections 167.1200 to 167.1230;  
98           (2) Application deadline; and

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

101           **7. If a student wishes to attend a school within a nonresident LEA that is a**  
102 **magnet school, an academically selective school, or a school with a competitive entrance**  
103 **process that has admissions requirements, the student shall furnish proof that the**  
104 **student meets the admissions requirements in the application described under section**  
105 **167.1220.**

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

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

116           **10. (1) As used in this subsection, "school days of enrollment" does not include**  
117 **enrollment in summer school, and "varsity" means the highest level of competition**  
118 **offered by one school or LEA against the highest level of competition offered by an**  
119 **opposing school or LEA.**

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

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

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

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

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

134           **b. If a student transfers schools under circumstances that do not meet the**  
135 **athletic eligibility requirements under sections 167.1200 to 167.1230, such student may**

be granted eligibility to participate in interscholastic athletics as hereinafter restricted if the student qualifies under the following terms and conditions:

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

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

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

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

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

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

(2) If a transferring student returns to the student's resident LEA, the student's transfer shall be void and the student shall reapply if the student seeks a future public



14 school open enrollment program transfer. No transferring student who returns to the  
15 student's resident LEA shall reapply for a future transfer under this subdivision until  
16 after the student has been enrolled in and completed a full school semester in a school in  
17 the student's resident LEA.

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

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

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

31 4. (1) The transferring student or the student's parent is responsible for the  
32 transportation of the student to and from the boundaries of the nonresident LEA where  
33 the student is enrolled. The nonresident LEA shall be responsible for the transportation  
34 of nonresident students participating in the open enrollment program within the  
35 boundaries of the nonresident LEA in which the school is located.

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

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

49 5. Notwithstanding the provisions of chapter 160, chapter 163, or federal  
50 calculations of military impact aid to the contrary, for the purposes of determining state

51 and federal aid, a transferring student shall be counted as a resident pupil of the  
52 nonresident school district LEA in which the student is enrolled, and for a student  
53 transferring to a nonresident charter school LEA, the charter school shall receive a state  
54 aid payment in an amount determined by multiplying the charter school's weighted  
55 average daily attendance of such transferring student by the state adequacy target and  
56 multiplying this product by the dollar-value modifier for the district in which the  
57 charter school is located, and the provisions of section 160.415 shall not apply to any  
58 state aid calculation for a transferring pupil who enrolls in a nonresident charter school  
59 LEA. For purposes of this subsection, the terms "dollar-value modifier", "state  
60 adequacy target", and "weighted average daily attendance" shall have the same  
61 meaning as such terms are defined in section 163.011.

62 6. Notwithstanding any provision of law to the contrary, for the purposes of  
63 payment to a special school district established pursuant to the provisions of sections  
64 162.670 to 162.996, a transferring student receiving services from a special school  
65 district shall be counted as a resident pupil of the nonresident LEA in which the student  
66 is enrolled. If such student receives fifty percent or more of such student's instruction  
67 from the special school district, the special school district shall, in lieu of the nonresident  
68 LEA, receive all funding which would otherwise be paid to the nonresident LEA  
69 pursuant to the provisions of sections 167.1200 to 167.1230 for such student.

70 7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any  
71 resident LEA of its responsibility to pay any costs required under sections 162.705 or  
72 162.740.

167.1211. If a nonresident student receives special educational services and  
2 participates in the public school open enrollment program, the nonresident LEA 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 LEA annual secretary of  
8 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 LEAs under chapter 160 or chapter**  
16 **163 and shall be used solely to compensate LEAs 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 LEA shall set the number of**  
2 **transfer students the LEA is willing to receive for the following school year under**  
3 **sections 167.1200 to 167.1230. The LEA may create criteria for the acceptance of**  
4 **students including, but not limited to, the number of students by building, grade,**  
5 **classroom, or program.**

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

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

11           **3. Before November first annually, a special school district established pursuant**  
12 **to the provisions of sections 162.670 to 162.996 shall consult with each partner school**  
13 **district regarding resources and capabilities for providing special education services for**  
14 **transferring students in each partner school district. In addition to the partner school**  
15 **district's reporting obligations, the special school district shall notify the department of**  
16 **the number of likely available spots for special education services at each partner school**  
17 **district. Such notification shall include the number of likely available spots at school**  
18 **buildings operated by the special school district. Such numbers shall be reported and**  
19 **published by building, grade, classroom, or program. Notwithstanding the foregoing,**  
20 **all participating LEAs shall comply with all state and federal laws, regulations, and**  
21 **other requirements regarding the provision of special education services.**

22           **4. (1) The online resource created and maintained by the department as**  
23 **described in section 167.1205 shall include a waiting list for applications to nonresident**

24 LEAs if a transfer cannot be accepted because the number of transfers applied for  
25 exceeds the number of transfers available. The online resource shall notify each  
26 applicant that the applicant's transfer application may be subject to placement on such  
27 waiting list if such transfer application is included in a number of transfer applications  
28 that exceeds the number of transfers available.

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

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

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

33 (c) Children of LEA employees;

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

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

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

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

3 (a) 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 LEA;

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

8 (c) 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 LEA.

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

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

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

15 (1) Conduct a lottery of eligible applications to determine which student  
16 transfers will be approved, subject to the conditions for approval under sections  
17 167.1200 to 167.1230; and

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

20           **4. (1) The governing body of the nonresident LEA shall request from all schools**  
21 **previously attended by the student within the last twelve months including the student's**  
22 **resident LEA, if applicable:**

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

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

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

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

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

33           **5. (1) The governing body of the nonresident LEA shall within ten business**  
34 **days:**

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

36           **(b) Determine whether such LEA shall accept or reject such application based**  
37 **on the standards in the LEA's policy for open enrollment under sections 167.1200 to**  
38 **167.1230 adopted by the governing body and a review of records provided under**  
39 **subsection 4 of this section; and**

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

41           **(2) Provided the nonresident LEA has additional seats available for transfer**  
42 **students pursuant to such LEA's policy adopted in accordance with the provisions of**  
43 **section 167.1205, if the nonresident LEA rejects an application, the department shall**  
44 **send the next application on the waiting list to the nonresident LEA 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 LEA under sections 167.1200 to 167.1230,**  
47 **the nonresident LEA's governing body 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 LEA**  
51 **and the nonresident LEA, the department shall notify the parent whether the student's**  
52 **application has been accepted or rejected by the nonresident LEA. The notification**  
53 **shall be sent electronically and by first-class mail to the address on the application.**

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

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

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

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

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

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

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

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

78           8. (1) If a student declines enrolling in the nonresident LEA, the department  
79 shall send the LEA the next application on the LEA's waiting list for consideration.

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

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

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

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

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

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

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

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

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

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

44           9. This section shall not be construed to preclude a nonresident LEA from  
45 adding additional staff, services, or programs not already being offered by the

46 nonresident LEA unless the nonresident LEA elects to or from performing subsequent  
47 evaluations, when appropriate, to ensure proper placement of a transferring student  
48 after enrollment.

167.1225. 1. If sections 167.1200 to 167.1230 conflict with a provision of an  
2 enforceable desegregation court order or an LEA'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) An LEA may annually declare an exemption from sections 167.1200 to  
6 167.1230 if the LEA is subject to a desegregation order or mandate of a federal court or  
7 agency remedying the effects of past racial segregation or a settlement agreement  
8 remedying the effects of past racial segregation.

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

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

17 (4) An LEA shall notify the department before November first if in the next  
18 school year the LEA 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 LEA shall give the student priority for a transfer in the following school  
23 year in the order that the resident LEA receives notices of application under section  
24 167.1220, as evidenced by a notation made by the LEA on the applications indicating the  
25 date and time of receipt.

26 3. (1) Any student who transfers to a nonresident LEA 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) LEAs receiving transfer students or sending transfer students to nonresident  
30 LEAs under section 167.131, sections 162.1040 to 162.1061, or any section other than  
31 sections 167.1200 to 167.1230 shall not be subject to any requirements under sections  
32 167.1200 to 167.1230 for those transfer students.

33 4. (1) A student transferring to a nonresident LEA 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 LEAs.

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

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

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

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

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

51 c. Follow all other procedures as if such student transferred under section  
52 167.131.

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

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

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

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

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

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

15       **2. The department shall annually make a random selection of ten percent of the**  
16 **LEAs participating in the public school open enrollment program under sections**  
17 **167.1200 to 167.1230. The department shall audit each selected LEA's transfers**  
18 **approved or denied under policies adopted by the governing body under sections**  
19 **167.1200 to 167.1230. If the department determines that a selected LEA is improperly**  
20 **implementing and administering the transfer process established under sections**  
21 **167.1200 to 167.1230, the department may withhold any state aid provided to the**  
22 **LEA under chapter 160 or chapter 163 until the LEA corrects the transfer process**  
23 **improprieties identified by the department's audit.**

**167.1230. No student shall be enrolled under sections 167.1200 to 167.1230**  
2 **before July 1, 2027.**

      168.410. 1. As used in this section and section 168.411, "building-level  
2 **administrator" means a school official who supervises or evaluates other licensed staff.**  
3 **A building-level administrator may be a principal or an assistant principal.**

4       **2. School administrators [and], school district superintendents, and building-level**  
5 **administrators shall be evaluated at least once in the contract year in the following**  
6 **manner:**

7       (1) The board of education of each school district shall cause a comprehensive  
8 performance-based evaluation for each administrator employed by the district. Such  
9 evaluation shall be ongoing, **specific**, and of sufficient specificity and frequency to provide  
10 for demonstrated standards of competency and academic ability;

11       (2) All evaluations shall be:

12       **(a) Maintained in the respective administrator's personnel file at the office of the**  
13 **board of education of the school district. A copy of each evaluation shall be provided to the**  
14 **person being evaluated and to the appropriate administrator; and**

15       **(b) Conducted using research-based evaluation tools that align with best**  
16 **practices;**

17       **(3) All evaluations may be based on multiple rating categories as determined by**  
18 **the governing board; and**

19       ~~[(3)]~~ **(4) The state department of elementary and secondary education shall provide**  
20 **suggested procedures for the evaluations performed under this section.**

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