

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 543

AN ACT

To repeal sections 167.020 and 167.151, RSMo, and to enact in lieu thereof fourteen new sections relating to informed school choice in public education, with an effective date and an existing penalty provision.

---

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

Section A. Sections 167.020 and 167.151, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 161.890, 162.209, 167.020, 167.151, 167.195, 167.1200, 167.1205, 167.1210, 167.1211, 167.1212, 167.1215, 167.1220, 167.1225, and 167.1230, to read as follows:

161.890. 1. There is hereby established the "School Accountability Board". Board members shall be appointed as follows:

(1) The commissioner of education shall choose two members from among no more than three individuals from each of the following organizations:

(a) The Missouri association of school administrators;

(b) The Missouri chapter of the national education association;

(c) The Missouri chapter of the Missouri state teachers association; and

(d) The Missouri school board association;

(2) The commissioner shall choose one member from among no more than four individuals nominated by the Missouri public charter school commission;

(3) The president pro tempore of the senate shall choose four members at large with demonstrated expertise in education policy and school improvement, none of whom shall be employees of a public school district or the immediate family members thereof, and two of whom shall be researchers with expertise on the impact of education and economic development;

(4) The speaker of the house of representatives shall choose:

(a) Two members from business and industry with demonstrated commitment to education; and

(b) Two members at large with demonstrated expertise in education policy and school improvement, none of whom shall be employees of a public school district or the immediate family members thereof.

Members appointed under subdivisions (1) and (2) of this subsection shall serve at the pleasure of the commissioner of education. Members appointed under subdivision (3) of this subsection shall serve at the pleasure of the president pro tempore of the senate. Members appointed under subdivision (4) of this subsection shall serve at the pleasure of the speaker of the house of representatives.

2. The accountability board shall advise the state board of education and department of elementary and secondary education on matters pertaining to the development and implementation of the state's school improvement program by:

(1) Working with department and state board of education staff to develop all rules and regulations related

to school and district accountability and improvement prior to adoption;

(2) Advising the department and state board of education on policies and practices related to school and district accountability and improvement;

(3) Developing and reviewing the results of an annual, department-administered survey of schools and districts receiving technical assistance related to accountability and improvement; and

(4) Presenting findings and recommendations pertaining to school and district accountability and improvement to the state board of education at least two times annually.

162.209. 1. The department of elementary and secondary education shall, on or before November first of each year, publish on the department's website a list of schools in the state that have been performing in the bottom five percent of schools for more than three years, as determined by the state's every student succeeds act plan required by Section 1111 of the federal Every Student Succeeds Act (20 U.S.C. Section 6311), as amended, and shall designate any such school as a "persistently failing school".

2. Any district with more than two schools performing in the bottom five percent of schools for more than two years shall be classified as provisionally accredited by the state board.

3. School districts with any school performing in the bottom five percent of schools for three years over a five-year period beginning in 2018 shall take one of the following actions by the end of the academic year:

(1) Close the school and transfer students attending such school to a higher performing school within the school district;

(2) Develop a partnership with a nonprofit school operator to create an in-district charter school;

(3) Reimburse any school district or charter school that will allow students to transfer an amount equal to the average per-pupil expenditure for the school district; or

(4) Participate in the school turnaround act pursuant to section 161.1080.

4. Any school district that has more than twenty percent of students attending persistently failing schools shall work with an external partner to increase student achievement, as measured by average proficiency on statewide standardized assessments, at those schools by no less than five percent each year or to develop a district plan to reduce the number of students in such schools by five percent each year.

5. Any school district with more than twenty percent of students attending a persistently failing school shall establish a charter authorizing office, or partner with an eligible public four-year college or university under section 160.400, to review any charter petitions for the district, approve such petitions, and submit such charter petitions to the board of education for a vote.

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

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

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

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

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

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

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

community is located. If the active duty orders expire during the school year, the student may finish the school year in that district;

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

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

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

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

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

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

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

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

7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special

education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 9 of section 160.261 from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g(b)(1)(E), as amended.

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

167.151. 1. The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in [sections] section 167.121, 167.131, 167.132, [and] 167.895, and sections 167.1200 to 167.1230.



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

3. (1) For all school years ending on or before June 30, 2022, any person who pays a school tax in any other district than that in which [he] the person resides may send [his] the person's children to any public school in the district in which the tax is paid and receive as a credit on the amount charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which [his] the person's residence is situated may send [his] the person's children to public school in any school district in which a part of such real estate, contiguous to that upon which [his] the person's residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

(2) For all school years beginning on or after July 1, 2022, any person who owns residential real property or agricultural real property and pays a school tax in any district other than the district in which the person resides may send any of the person's children to a public school in any district in which the person pays such school tax. The school district of choice shall count a child attending under this subdivision in its average daily attendance for

the purpose of distribution of state aid through the foundation formula.

4. (1) For all school years ending on or before June 30, 2022, any owner of agricultural land who, [pursuant to] under subdivision (1) of subsection 3 of this section, has the option of sending [his] such person's children to the public schools of more than one district shall exercise such option as provided in this [subsection] subdivision. Such person shall send written notice to all school districts involved specifying to which school district [his] the 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] the person's property lies. Such person shall not send any of [his] such person's children to the public schools of any district other than the one to which [he] such person has sent notice pursuant to this [subsection] subdivision in that school year or in which the majority of [his] such person's property lies without paying tuition to such school district.

(2) For all school years beginning on or after July 1, 2022, any owner of real property who elects to exercise the option provided in subdivision (2) of subsection 3 of this section shall exercise such option as provided in this subdivision. Such person shall send written notice to all school districts involved specifying which school district each child will attend thirty days prior to enrollment. When providing such notice, the person shall present proof of the person's payment of school taxes levied on the real property within such school district for the most recent two years. If a school district to which the person wishes to send a child does not receive the notification required under this subdivision, the child shall attend school in the

district in which the person resides. Such person shall not send a child to the public schools of any district in which the person does not reside other than the district to which such person has sent notice under this subdivision relating to the particular child for that school year.

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 [of the first classification] 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.

167.195. 1. A parent or guardian may file with the school board a formal objection to any school policy, practice, or procedure which applies to the parent, guardian, or his or her child, including any instructional material or method not required by state statute, rule, or regulation, which infringes on the parent's or guardian's parental rights, including, but not limited to, decisions on the child's care and custody, upbringing, education, religious instruction, place of habitation, or physical or mental health care. School boards shall provide by general rule not inconsistent with this section for the procedure and conduct for filing and responding to such objections.

2. Within thirty days of receipt of the objection, the school board shall issue a response denying the parent's objection or describing an implementation plan to immediately exempt the child from the policy, practice, or procedure to which the parent or guardian objected. The school board may deny any objection alleging a de minimis infringement of parental rights or if the requested accommodation is unreasonable. An alleged infringement of parental rights shall be considered de minimis if it is not related to the content of curriculum or instruction and does not have a material impact on the child's care and custody, upbringing, education, religious instruction, place of habitation, or physical or mental health care.

3. A parent or guardian whose formal objection has been denied shall have the right to appeal such decision to the department of elementary and secondary education. The appeal shall be taken within fifteen days of the decision of the school board and may be taken by filing a notice of appeal with the department. Such appeal shall be heard as provided in chapter 536.

4. In addition to any other remedy which may be available in an agency action brought pursuant to this section, or in a civil action arising therefrom, a parent or guardian shall be awarded the greater of one thousand five hundred dollars or the total amount of the parent's or guardian's contributions to local property taxes in the preceding year if the school district fails to show by clear and convincing evidence that it complied with subsection 2 of this section. Such award shall be used only for the educational expenses of the parent's or guardian's child.

5. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is

created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

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

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

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

(2) "Diversity plan" or "voluntary diversity plan", a plan that is voluntarily adopted by a local school board to promote diversity and to avoid minority student isolation in the district;

(3) "Nonresident district", a school district other than a transferring student's resident district;

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

(5) "Public school", any school for elementary or secondary education that is supported and maintained from public funds and is conducted and operated within this state under the authority and supervision of a duly elected local board of education of the school district or a special administrative board appointed by the state board of education under section 162.081;

(6) "Resident district", the school district in which the transferring student resides;

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

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

(9) "Superintendent", the superintendent of a school district or the superintendent's designee;

(10) "Transferring student", a child beginning kindergarten in the child's resident district or a public school student in kindergarten to grade twelve who has been enrolled in and completed a full semester in a public school in the student's resident district and who transfers to a nonresident district through a public school open enrollment program under sections 167.1200 to 167.1230;

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

167.1205. 1. A public school open enrollment program is established to enable a child beginning kindergarten or a student in kindergarten to grade twelve to attend a school in a nonresident district subject to the limitations under section 167.1225.

2. School districts, including school districts described in sections 162.670 to 162.999, shall not be required to participate in the public school open enrollment program. Each school district, including districts described in sections 162.670 to 162.999 shall, on or before October first of each year, indicate whether the district

will participate in the public school open enrollment program created in sections 167.1200 to 167.1230 in the school year beginning on July first of the following year. If a school district participates in the public school open enrollment program, the district shall receive transferring students for the full school year in which the district participates. This subsection shall not be construed to prevent any student in a nonparticipating school district from transferring out of the nonparticipating district to a participating district as a transferring student. For the school years 2022-23 and 2023-24, a district may restrict the number of students who may transfer to a nonresident district under sections 167.1200 to 167.1230 to a maximum of five percent of the previous school year's enrollment for the district.

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

(2) Sections 167.1200 to 167.1230 shall not be construed to require a school district to provide special educational services for children with disabilities who are three years of age or older and who do not reside in the school district under section 162.700 if the nonresident district determines, as provided in the nonresident district's model policy adopted under subsection 4 of this section, that the school district is unable to provide appropriate special educational services as required under section 162.700 for a child with disabilities seeking a transfer under sections 167.1200 to 167.1230. The determination shall be made by the nonresident district after consultation with the child's resident district and

any local public, private, and not-for-profit agencies that provide services for children with disabilities. The nonresident district shall make the determination before approving an application for a transfer under sections 167.1200 to 167.1230. If a determination is required under this subdivision, the child seeking the transfer shall remain enrolled in the child's resident district until such determination becomes final.

4. (1) The department shall develop a model policy for determining the number of transfers available under section 167.1215 and establishing specific standards for acceptance and rejection of transfer applications under section 167.1230. Regardless of whether a school district participates in the public school open enrollment program, the board of education of each school district shall, by resolution, adopt the department's model policy with any changes necessary for a particular district's needs.

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

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

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

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

(c) Any class-size limitation;

(d) The ratio of students to classroom teachers;

(e) The district's projected enrollment; and



(f) Any characteristics of specific programs affected by additional or fewer students attending because of transfers under the public school open enrollment program.

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

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

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

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

(a) Academic achievement;

(b) Athletic or other extracurricular ability;

(c) Disabilities;

(d) English proficiency level; or

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

(6) A school district receiving transferring students shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.

5. A nonresident district shall:

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

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

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

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

(2) Application deadline; and

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

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

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

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

10. Students shall not enroll in a nonresident district under sections 167.1200 to 167.1230 in any school year before school year 2022-23.

11. (1) As used in this subsection, "school days of enrollment" does not include enrollment in summer school,

and "varsity" means the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district.

(2) (a) Except as provided in this paragraph, a student who participates in open enrollment for purposes of attending a grade in grades nine to twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the student's first ninety school days of enrollment in the district. A student may participate immediately in a varsity interscholastic sport under any of the following circumstances:

a. If the student is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade;

b. If the district of residence and the other school district jointly participate in the sport;

c. If the sport in which the student wishes to participate is not offered in the district of residence;

d. If the student chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was classified as unaccredited and dissolved and merged with one or more contiguous school districts under state law;

e. If the parent of the student participating in open enrollment is an active member of the Armed Forces of the United States and resides in permanent housing on government property provided by a branch of the Armed Forces of the United States; or

f. If the district of residence determines that the student was previously subject to an incident of bullying as

defined in section 160.775 while attending school in the district of residence.

(b) A student who has paid tuition and attended school, or has attended school under a mutual agreement between the two districts, in a district other than the student's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section but only as a member of a team from the district that student has been attending.

(c) 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 districts and accepts a public school open enrollment program transfer to a nonresident district 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 district shall commit to attend and take all courses through the nonresident district for at least one school year. At least one course per semester shall be delivered by the nonresident district in-seat.

(2) If a transferring student returns to the student's resident district, the student's transfer shall be void and the student shall reapply if the student seeks a future public school open enrollment program transfer. No transferring student who returns to the student's resident

district shall reapply for a future transfer under this subdivision until after the student has been enrolled in and completed a full school semester in a public school in the student's resident district.

(3) If a transferring student returns to the student's resident district, the student shall be ineligible to participate in any varsity-level activity sanctioned by a statewide activities association that provides oversight for athletic or activity eligibility for students and school districts in this state for ninety days.

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

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

(3) If a student makes a second transfer in high school, the student shall be ineligible to participate in any varsity-level activity sanctioned by a statewide activities association that provides oversight for athletic or activity eligibility for students and school districts in this state for three hundred sixty-five days.

4. Except for a transferring student with a socioeconomic status that qualifies the student for transportation costs reimbursement under subsection 6 of this section, the transferring student or the student's

parent is responsible for the transportation of the student to and from the school in the nonresident district where the student is enrolled, except that the nonresident district may enter into an agreement with the student's parent that the parent may transport the student to an existing bus stop location convenient to the school district if the school district has capacity available on a bus serving that location. If transportation is a related service on a student's individualized education program (IEP) and the student is a participant in the public school open enrollment transfer program, the nonresident district shall not be required to provide such transportation as a related service under the IEP if the nonresident district and the student's parent have entered into an agreement under this subsection. Such agreement shall contain a statement that the parent is waiving the transportation as a related service under the student's IEP.

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

6. Any transferring student who qualifies for free and reduced price meals under federal guidelines and transfers to any nonresident district sharing a border with the student's resident district shall be reimbursed by the parent public school choice fund established in section 167.1212 for the costs of transportation of the student as provided in this subsection.

(1) The amount of transportation costs eligible for reimbursement shall be, rounded to the nearest dollar, the product obtained by multiplying:

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

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

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

(2) The transferring student or the student's parent shall keep a record of each instance of transporting the transferring student to and from the nonresident district's nearest existing bus stop location.

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

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

167.1211. If a nonresident student receives special educational services and participates in the public school open enrollment program, the nonresident district shall receive reimbursement from the parent public school choice fund created in section 167.1212 for the costs of the special educational services for the student with an individualized education program above the state and federal funds received for educating the student. Such reimbursement shall not exceed three times the current expenditure per average daily attendance as calculated on the district annual secretary of the board report for the year in which expenditures are claimed.

167.1212. 1. There is hereby created in the state treasury the "Parent Public School Choice Fund", which shall consist of a one-time appropriation by the general assembly

of thirty million dollars and any additional appropriations made by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in sections 167.1200 to 167.1230.

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

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

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

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

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



(2) The school district may report the total number of students the district is willing to receive and further delineate the number by building, grade, classroom, or program.

3. Each school district shall develop a method for the formation and operation of a waiting list for applications that cannot be accepted because the number of transfers applied for exceeds the number of transfers available.

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

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

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

(c) Children of school district employees;

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

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

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

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

(1) To the nonresident district, with a copy to the resident district;

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

(3) Postmarked before December first in the calendar year preceding the school year in which the student seeks to begin the fall semester at the nonresident district.

2. A nonresident district that receives an application under subsection 1 of this section shall, upon receipt of the application, place a date and time stamp on the application that reflects the date and time the nonresident district received the application.

3. As soon as possible after receiving an application, the superintendent of the nonresident district shall review and make a determination on each application in the order in which the application was received by the nonresident district. Before accepting or rejecting an application, the superintendent shall determine whether one of the limitations under section 167.1225 applies to the application.

4. The superintendent of the nonresident district may accept an application. If the superintendent rejects an application, the superintendent shall present the rejected application with the superintendent's reasons for the rejection to the school board for review. The school board may accept or reject such application, but no rejection shall be final without a majority vote of the school board to confirm the superintendent's rejection of the application.

5. (1) As used in this subsection, "good cause" means:

(a) A change in a student's residence due to a change in family residence;

(b) A change in the state in which the family residence is located;

(c) A change in a student's parent's marital status;

- (d) A guardianship or custody proceeding;
- (e) Placement in foster care;
- (f) Adoption;
- (g) Participation in a foreign exchange program;
- (h) Participation in a substance abuse or mental health treatment program;
- (i) A change in the status of a student's resident district such as removal of accreditation by the department, surrender of accreditation, or permanent closure of a nonpublic school; or
- (j) Revocation of a charter school contract as provided in state law.

(2) On or after December first of the calendar year preceding the school year in which the student seeks to begin the fall semester at the nonresident district but before July first of such school year, or before the first Monday in July if July first falls on a Saturday or Sunday, the parent shall send notification to the district of residence and the receiving district, on forms prescribed by the state board of education, that good cause exists for failure to meet the December first deadline. The school board of a receiving district may adopt a policy granting the superintendent the authority to approve open enrollment applications submitted after the December first deadline. The school board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the school board shall transmit a copy of the form to the parent and the district of residence within five days after school board action. A denial of a request by the board of a receiving district is not subject to appeal.

(3) If the good cause relates to a change in status of a student's school district of residence, action by a parent shall be taken to file the notification within forty-five

days of the last school board action or within thirty days of the certification of the election, whichever is applicable to the circumstances.

(4) If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after school board action by the receiving district, submit an appeal to the commissioner of education.

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

6. (1) Before February first of the school year before the school year in which the student seeks to enroll in a nonresident district under sections 167.1200 to 167.1230, the nonresident district's superintendent shall notify the parent and the resident district, in writing, as to whether the student's application has been accepted or rejected. The notification shall be sent by first-class mail to the address on the application.

(2) If the application is rejected, the nonresident district's superintendent shall state in the notification letter the reason for the rejection.

(3) If the application is accepted, the nonresident district's superintendent shall state in the notification letter:

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

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

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

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

(2) An exemption declared by a board of education of a school district under subdivision (1) of this subsection is irrevocable for one year from the date the school district notifies the department of the declaration of exemption.

(3) After each year of exemption, the board of education of a school district may elect to participate in the public school open enrollment program under sections 167.1200 to 167.1230 if the school district's participation does not conflict with the school district's federal court-ordered desegregation program or settlement agreement remedying the effects of past racial segregation.

(4) A school district shall notify the department before April first if in the next school year the school district intends to:

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

(b) Resume participation after a period of exemption.

(5) Annually before June first, the department shall report to each school district the maximum number of public school open enrollment program transfers for the school year to begin July first.

(6) If a student is unable to transfer because of the limits under this subsection, the resident district shall give the student priority for a transfer in the following school year in the order that the resident district receives notices of application under section 167.1220, as evidenced by a notation made by the district on the applications indicating the date and time of receipt.

3. Any resident or nonresident school district with an approved diversity plan or voluntary diversity plan may deny a transfer under sections 167.1200 to 167.1230 if the school district determines that the transfer conflicts with the provisions of such diversity plan. The denial of a transfer under this subsection shall be deemed a denial for good cause.

4. (1) Any student who transfers to a nonresident district 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) Districts receiving transfer students or sending transfer students to nonresident districts 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.

5. A student transferring to a nonresident district 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 districts.

167.1230. 1. A student whose application for a transfer under section 167.1220 is rejected by the nonresident district may appeal to the department to reconsider the transfer.

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

3. Contemporaneously with the filing of the written appeal under subsection 2 of this section, the student or the student's parent shall also mail a copy of the written appeal to the nonresident district's superintendent.

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

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

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

7. The nonresident district may submit in writing any additional information, evidence, or arguments supporting the district's rejection of the student's application by mailing such response to the department. Such response shall be postmarked no later than ten days after the

nonresident district receives the student's or parent's appeal.

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

9. If the department overturns the determination of the nonresident district on appeal, the department shall notify the parent, the nonresident district, and the resident district of the basis for the department's decision.

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

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

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

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

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

Section B The enactment of sections 167.1200, 167.1205, 167.1210, 167.1211, 167.1212, 167.1215, 167.1220,



167.1225, and 167.1230 and the repeal and reenactment of sections 167.020 and 167.151 of this act shall become effective July 1, 2022.