

SECOND REGULAR SESSION

# SENATE BILL NO. 1010

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

4650S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 163.161, 167.020, and 167.151, RSMo, and to enact in lieu thereof twelve new sections relating to admission of nonresident pupils, with a delayed effective date and existing penalty provisions.

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

Section A. Sections 163.161, 167.020, and 167.151, RSMo,  
2 are repealed and twelve new sections enacted in lieu thereof,  
3 to be known as sections 163.161, 167.020, 167.151, 167.1200,  
4 167.1205, 167.1210, 167.1211, 167.1212, 167.1215, 167.1220,  
5 167.1225, and 167.1230, to read as follows:

163.161. 1. Any school district which makes provision  
2 for transporting pupils as provided in section 162.621 and  
3 sections 167.231 and 167.241 shall receive state aid for the  
4 ensuing year for such transportation on the basis of the  
5 cost of pupil transportation services provided the current  
6 year. A district shall receive, pursuant to section  
7 163.031, an amount not greater than seventy-five percent of  
8 the allowable costs of providing pupil transportation  
9 services to and from school and to and from public  
10 accredited vocational courses, and shall not receive an  
11 amount per pupil greater than one hundred twenty-five  
12 percent of the state average approved cost per pupil  
13 transported the second preceding school year, except when  
14 the state board of education determines that sufficient  
15 circumstances exist to authorize amounts in excess of the

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

one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year.

2. The state board of education shall determine public school district route approval procedures to be used by each public school district board of education to approve all bus routes or portions of routes and determine the total miles each public school district needs for safe and cost-efficient transportation of the pupils and the state board of education shall determine allowable costs. No state aid shall be paid for the costs of transporting pupils living less than one mile from the school. However, if the state board of education determines that circumstances exist where no appreciable additional expenses are incurred in transporting pupils living less than one mile from school, such pupils may be transported without increasing or diminishing the district's entitlement to state aid for transportation.

3. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-five percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned pursuant to section 163.031 where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be seventy-five percent of allowable costs as determined by the state board of education which may for sufficient reason authorize

amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed seventy-five percent of the total allowable cost of transporting all pupils eligible to be transported; provided that no district shall receive reduced reimbursement for costs of transportation of handicapped and severely handicapped children based upon inefficiency.

4. No state transportation aid received pursuant to section 163.031 shall be used to purchase any school bus manufactured prior to April 1, 1977, that does not meet the federal motor vehicle safety standards.

**5. Any school district that operates magnet schools as part of a master desegregation settlement agreement shall not be considered inefficient for purposes of state aid for transportation of pupils attending such magnet schools and shall not receive a financial penalty for the magnet school transportation portion of the overall transportation budget as a result thereof.**

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

44 which the family member's residence or family support  
45 community is located. If the active duty orders expire  
46 during the school year, the student may finish the school  
47 year in that district;

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

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

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

60 3. Any person subject to the requirements of  
61 subsection 2 of this section may request a waiver from the  
62 district board of any of those requirements on the basis of  
63 hardship or good cause. Under no circumstances shall  
64 athletic ability be a valid basis of hardship or good cause  
65 for the issuance of a waiver of the requirements of  
66 subsection 2 of this section. The district board or  
67 committee of the board appointed by the president and which  
68 shall have full authority to act in lieu of the board shall  
69 convene a hearing as soon as possible, but no later than  
70 forty-five days after receipt of the waiver request made  
71 under this subsection or the waiver request shall be  
72 granted. The district board or committee of the board may  
73 grant the request for a waiver of any requirement of  
74 subsection 2 of this section. The district board or  
75 committee of the board may also reject the request for a

76 waiver in which case the pupil shall not be allowed to  
77 register. Any person aggrieved by a decision of a district  
78 board or committee of the board on a request for a waiver  
79 under this subsection may appeal such decision to the  
80 circuit court in the county where the school district is  
81 located.

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

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

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

107 regional or cooperative alternative education program or an  
108 alternative education program on a contractual basis.

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

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

167.151. 1. The school board of any district, in its 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 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, 2023,** any person who pays a school tax in any other district than that in which [he] **such person** resides may send [his] **such 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] **such person's** residence is situated may send [his] **such person's** children to public school in any school district in which a part of such real estate, contiguous to that upon which [his] **such 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, 2023, any person who owns residential real property or agricultural real property and pays a school tax in any**



33 district other than the district in which the person resides  
34 may send any of the person's children to a public school in  
35 any district in which the person pays such school tax. The  
36 school district of choice shall count a child attending  
37 under this subdivision in its average daily attendance for  
38 the purpose of distribution of state aid through the  
39 foundation formula.

40 4. (1) For all school years ending on or before June  
41 30, 2023, any owner of agricultural land who, [pursuant to]  
42 under subdivision (1) of subsection 3 of this section, has  
43 the option of sending [his] such person's children to the  
44 public schools of more than one district shall exercise such  
45 option as provided in this [subsection] subdivision. Such  
46 person shall send written notice to all school districts  
47 involved specifying to which school district [his] the  
48 children will attend by June thirtieth in which such a  
49 school year begins. If notification is not received, such  
50 children shall attend the school in which the majority of  
51 [his] such person's property lies. Such person shall not  
52 send any of [his] such person's children to the public  
53 schools of any district other than the one to which [he]  
54 such person has sent notice pursuant to this [subsection]  
55 subdivision in that school year or in which the majority of  
56 [his] such person's property lies without paying tuition to  
57 such school district.

58 (2) For all school years beginning on or after July 1,  
59 2023, any owner of real property who elects to exercise the  
60 option provided in subdivision (2) of subsection 3 of this  
61 section shall exercise such option as provided in this  
62 subdivision. Such person shall send written notice to all  
63 school districts involved specifying which school district  
64 each child will attend thirty days prior to enrollment.

65 When providing such notice, the person shall present proof  
66 of the person's payment of school taxes levied on the real  
67 property within such school district for the most recent  
68 three years. If a school district to which the person  
69 wishes to send a child does not receive the notification  
70 required under this subdivision, the child shall attend  
71 school in the district in which the person resides. Such  
72 person shall not send a child to the public schools of any  
73 district in which the person does not reside other than the  
74 district to which such person has sent notice under this  
75 subdivision relating to the particular child for that school  
76 year.

77 5. If a pupil is attending school in a district other  
78 than the district of residence and the pupil's parent is  
79 teaching in the school district or is a regular employee of  
80 the school district which the pupil is attending, then the  
81 district in which the pupil attends school shall allow the  
82 pupil to attend school upon payment of tuition in the same  
83 manner in which the district allows other pupils not  
84 entitled to free instruction to attend school in the  
85 district. The provisions of this subsection shall apply  
86 only to pupils attending school in a district which has an  
87 enrollment in excess of thirteen thousand pupils and not in  
88 excess of fifteen thousand pupils and which district is  
89 located in a county [of the first classification] with a  
90 charter form of government which has a population in excess  
91 of six hundred thousand persons and not in excess of nine  
92 hundred thousand persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           2. School districts shall not be required to  
7 participate in the public school open enrollment program.  
8 Each school district shall, on or before October first of  
9 each year, indicate whether the district will participate in  
10 the public school open enrollment program created in  
11 sections 167.1200 to 167.1230 in the school year beginning  
12 on July first of the following year. If a school district  
13 participates in the public school open enrollment program,  
14 the district shall receive transferring students for the  
15 full school year in which the district participates. This  
16 subsection shall not be construed to prevent any student in  
17 a nonparticipating school district from transferring out of  
18 the nonparticipating district to a participating district as  
19 a transferring student. For the school years 2023-24 and  
20 2024-25, a district may restrict the number of students who  
21 may transfer to a nonresident district under sections

22 167.1200 to 167.1230 to a maximum of five percent of the  
23 previous school year's enrollment for the district.

24 3. (1) Sections 167.1200 to 167.1230 shall not be  
25 construed to require a school district to add teachers,  
26 staff, or classrooms or to in any way exceed the  
27 requirements and standards established by existing law or  
28 the nonresident district.

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

50 4. (1) The department shall develop a model policy  
51 for determining the number of transfers available under  
52 section 167.1215 and establishing specific standards for  
53 acceptance and rejection of transfer applications under

54 section 167.1230. Regardless of whether a school district  
55 participates in the public school open enrollment program,  
56 the board of education of each school district shall, by  
57 resolution, adopt the department's model policy with any  
58 changes necessary for a particular district's needs.

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

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

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

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

70 (c) Any class-size limitation;

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

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

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

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

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

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

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

86           (a) Academic achievement;  
87           (b) Athletic or other extracurricular ability;  
88           (c) Disabilities;  
89           (d) English proficiency level; or  
90           (e) Previous disciplinary proceedings; except that,  
91 any suspension or expulsion from another district shall be  
92 included.

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

96           5. A nonresident district shall:

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

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

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

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

108           (2) Application deadline; and

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

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

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

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

134           10. Students shall not enroll in a nonresident  
135 district under sections 167.1200 to 167.1230 in any school  
136 year before school year 2023-24.

137           11. (1) As used in this subsection, "school days of  
138 enrollment" does not include enrollment in summer school,  
139 and "varsity" means the highest level of competition offered  
140 by one school or school district against the highest level  
141 of competition offered by an opposing school or school  
142 district.

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



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

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

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

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

162           b. If a student transfers schools under circumstances  
163 that do not meet the requirements under sections 167.1200 to  
164 167.1230, such student may be granted eligibility to  
165 participate in interscholastic athletics as hereinafter  
166 restricted if the student qualifies under the following  
167 terms and conditions:

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

176           (ii) A student who has attended a school system that  
177 does not sponsor interscholastic athletics but who has  
178 participated in organized nonschool competition during the  
179 twelve calendar months preceding the date of such transfer  
180 shall be eligible only for subvarsity competition in such  
181 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 districts 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 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

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

20 3. (1) Except as otherwise provided in this  
21 subsection, a transferring student attending school in a  
22 nonresident district may complete all remaining school years  
23 in the nonresident district without reapplying each school  
24 year.

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

33 4. Except for a transferring student with a  
34 socioeconomic status that qualifies the student for  
35 transportation costs reimbursement under subsection 6 of  
36 this section, the transferring student or the student's  
37 parent is responsible for the transportation of the student  
38 to and from the school in the nonresident district where the  
39 student is enrolled, except that the nonresident district  
40 may enter into an agreement with the student's parent that  
41 the parent may transport the student to an existing bus stop  
42 location convenient to the school district if the school  
43 district has capacity available on a bus serving that  
44 location. If transportation is a related service on a  
45 student's individualized education program (IEP) and the

46 student is a participant in the public school open  
47 enrollment transfer program, the nonresident district shall  
48 not be required to provide such transportation as a related  
49 service under the IEP if the nonresident district and the  
50 student's parent have entered into an agreement under this  
51 subsection. Such agreement shall contain a statement that  
52 the parent is waiving the transportation as a related  
53 service under the student's IEP.

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

59 6. (1) Any transferring student who qualifies for  
60 free and reduced price meals under federal guidelines and  
61 transfers to any nonresident district sharing a border with  
62 the student's resident district shall be reimbursed by the  
63 parent public school choice fund established in section  
64 167.1212 for the costs of transportation of the student as  
65 provided in this subsection.

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

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

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

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

76 (3) The transferring student or the student's parent  
77 shall keep a record of each instance of transporting the

78 transferring student to and from the nonresident district's  
79 nearest existing bus stop location.

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

83 7. Nothing in sections 167.1200 to 167.1230 shall be  
84 construed to relieve any resident district of its  
85 responsibility to pay any costs required under section  
86 162.705 or 162.740.

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

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

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

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

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

25           5. The department shall annually evaluate the  
26 availability and use of moneys from the fund. If the  
27 department determines that additional moneys are needed to  
28 fulfill the purposes of this section, the department shall,  
29 as part of the legislative budget process, annually request  
30 such moneys by a specific line item appropriation.

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

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

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

17           3. (1) Each school district shall develop a method  
18 for the formation and operation of a waiting list for  
19 applications that cannot be accepted because the number of  
20 transfers applied for exceeds the number of transfers  
21 available.

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

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

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

29           (c) Children of school district employees;

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

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

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

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

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

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

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

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

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

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

33           5. (1) As used in this subsection, "good cause" means:

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



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

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

39           (d) A guardianship or custody proceeding;

40           (e) Placement in foster care;

41           (f) Adoption;

42           (g) Participation in a foreign exchange program;

43           (h) Participation in a substance abuse or mental  
44 health treatment program;

45           (i) A change in the status of a student's resident  
46 district such as removal of accreditation by the department,  
47 surrender of accreditation, or permanent closure of a  
48 nonpublic school; or

49           (j) Revocation of a charter school contract as  
50 provided in state law.

51           (2) On or after December first of the calendar year  
52 preceding the school year in which the student seeks to  
53 begin the fall semester at the nonresident district but  
54 before July first of such school year, or before the first  
55 Monday in July if July first falls on a Saturday or Sunday,  
56 the parent shall send notification to the district of  
57 residence and the receiving district, on forms prescribed by  
58 the state board of education, that good cause exists for  
59 failure to meet the December first deadline. The school  
60 board of a receiving district may adopt a policy granting  
61 the superintendent the authority to approve open enrollment  
62 applications submitted after the December first deadline.  
63 The school board of the receiving district shall take action  
64 to approve the request if good cause exists. If the request  
65 is granted, the school board shall transmit a copy of the  
66 form to the parent and the district of residence within five

67 days after school board action. A denial of a request by  
68 the board of a receiving district is not subject to appeal.

69 (3) If the good cause relates to a change in status of  
70 a student's school district of residence, a parent shall  
71 file such notification within forty-five days after the last  
72 school board action or within thirty days after the  
73 certification of the election, whichever is applicable to  
74 the circumstances.

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

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

91 6. (1) Before February first of the school year  
92 before the school year in which the student seeks to enroll  
93 in a nonresident district under sections 167.1200 to  
94 167.1230, the nonresident district's superintendent shall  
95 notify the parent and the resident district, in writing, as  
96 to whether the student's application has been accepted or  
97 rejected. The notification shall be sent by first-class  
98 mail to the address on the application.

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

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

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

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

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

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

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

17           (3) After each year of exemption, the board of  
18 education of a school district may elect to participate in  
19 the public school open enrollment program under sections  
20 167.1200 to 167.1230 if the school district's participation

21 does not conflict with the school district's federal court-  
22 ordered desegregation program or settlement agreement  
23 remedying the effects of past racial segregation.

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

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

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

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

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

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

48 4. (1) Any student who transfers to a nonresident  
49 district under section 167.131, sections 162.1040 to  
50 162.1061, or any section other than sections 167.1200 to  
51 167.1230 shall not be subject to any requirements under  
52 sections 167.1200 to 167.1230.

53           (2) Districts receiving transfer students or sending  
54 transfer students to nonresident districts under section  
55 167.131, sections 162.1040 to 162.1061, or any section other  
56 than sections 167.1200 to 167.1230 shall not be subject to  
57 any requirements under sections 167.1200 to 167.1230 for  
58 those transfer students.

59           5. A student transferring to a nonresident district  
60 under sections 167.1200 to 167.1230 shall not be considered  
61 a transfer student under any law relating to another  
62 transfer program or procedure that allows students to  
63 transfer out of their resident districts.

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

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

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

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

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

20           6. As part of the review process, the student or  
21 student's parent may submit supporting documentation that

22 the transfer would be in the best educational, health,  
23 social, or psychological interest of the student.

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

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

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

39 10. (1) The department shall collect data from school  
40 districts on the number of applications for student  
41 transfers under sections 167.1200 to 167.1230 and study the  
42 effects of public school open enrollment program transfers  
43 under sections 167.1200 to 167.1230. The department shall  
44 consider, as part of its study, the maximum number of  
45 transfers and exemptions for both resident and nonresident  
46 districts for up to two years to determine if a significant  
47 racially segregative impact has occurred to any school  
48 district.

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

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

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

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

60 11. The department shall annually make a random  
61 selection of ten percent of the school districts  
62 participating in the public school open enrollment program  
63 under sections 167.1200 to 167.1230. The department shall  
64 audit each selected school district's transfers approved or  
65 denied under policies adopted by the school board under  
66 sections 167.1200 to 167.1230. If the department determines  
67 that a selected school district is improperly implementing  
68 and administering the transfer process established under  
69 sections 167.1200 to 167.1230, the department may withhold  
70 any state aid provided to the school district under chapter  
71 163 until the school district corrects the transfer process  
72 improprieties identified by the department's audit.

Section B. The enactment of sections 167.1200,  
2 167.1205, 167.1210, 167.1211, 167.1212, 167.1215, 167.1220,  
3 167.1225, and 167.1230 and the repeal and reenactment of  
4 sections 167.020 and 167.151 of this act shall become  
5 effective July 1, 2023.

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