

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 971 & 906

103RD GENERAL ASSEMBLY

4698S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 167.020 and 167.151, RSMo, and to enact in lieu thereof thirteen new sections relating to admission of nonresident students, with penalty provisions.

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

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2 repealed and thirteen new sections enacted in lieu thereof, to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

167.020. 1. As used in this section and in section
2 167.022, the following terms mean:

3 (1) "Behavioral threat assessment", records associated
4 with an evaluation of a student who has shown or
5 demonstrated:

6 (a) Homicidal or suicidal ideation;

7 (b) Planning an attack on a school, other students,
8 faculty, staff, or administration; or

9 (c) Behavior that puts students, faculty, staff, or
10 administration at risk for harm;

11 (2) "Homeless child" or "homeless youth", a person
12 less than twenty-one years of age who lacks a fixed, regular
13 and adequate nighttime residence, including a child or youth
14 who:

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

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

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

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

27 (d) Is a migratory child or youth who qualifies as
28 homeless because the child or youth is living in
29 circumstances described in paragraphs (a) to (c) of this
30 subdivision;

31 (3) "Personal safety plan", an agreement based upon
32 the findings of the behavioral threat assessment record
33 between the school and the students' parents or guardians,
34 or between the school and the student if the student is
35 emancipated or an unaccompanied youth as defined in section
36 210.121, that:

37 (a) Stipulates rules for attendance at the school;

38 (b) Provides benchmarks that allow for the student to
39 be released from the personal safety plan over time; and

40 (c) Provides immediate access to a trusted adult for
41 the student with the personal safety plan.

42 2. (1) In order to register a pupil, the **pupil or the**
43 parent or legal guardian of the pupil [or the pupil himself
44 or herself] shall provide, at the time of registration, one
45 of the following:

46 [(1)] (a) Proof of residency in the district. Except
47 as otherwise provided in section 167.151, the term
48 "residency" shall mean that a person both physically resides
49 within a school district and is domiciled within that
50 district or, in the case of a private school student
51 suspected of having a disability under the Individuals With
52 Disabilities Education Act, 20 U.S.C. Section 1411 et seq.,
53 as amended, that the student attends private school within
54 that district. The domicile of a minor child shall be the
55 domicile of a parent, military guardian pursuant to a
56 military-issued guardianship or court-appointed legal
57 guardian. For instances in which the family of a student
58 living in Missouri co-locates to live with other family
59 members or live in a military family support community
60 because one or both of the child's parents are stationed or
61 deployed out of state or deployed within Missouri under
62 active duty orders under Title 10 or Title 32 of the United
63 States Code, the student may attend the school district in
64 which the family member's residence or family support
65 community is located. If the active duty orders expire
66 during the school year, the student may finish the school
67 year in that district;

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

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

74 (2) In instances where there is reason to suspect that
75 admission of the pupil will create an immediate danger to
76 the safety of other pupils and employees of the district,
77 the superintendent or the superintendent's designee may

78 convene a hearing within five working days of the request to
79 register and determine whether or not the pupil may register.

80 3. Any person subject to the requirements of
81 subsection 2 of this section may request a waiver from the
82 district board of any of those requirements on the basis of
83 hardship or good cause. Under no circumstances shall
84 athletic ability be a valid basis of hardship or good cause
85 for the issuance of a waiver of the requirements of
86 subsection 2 of this section. The district board or
87 committee of the board appointed by the president and which
88 shall have full authority to act in lieu of the board shall
89 convene a hearing as soon as possible, but no later than
90 forty-five days after receipt of the waiver request made
91 under this subsection or the waiver request shall be
92 granted. The district board or committee of the board may
93 grant the request for a waiver of any requirement of
94 subsection 2 of this section. The district board or
95 committee of the board may also reject the request for a
96 waiver in which case the pupil shall not be allowed to
97 register. Any person aggrieved by a decision of a district
98 board or committee of the board on a request for a waiver
99 under this subsection may appeal such decision to the
100 circuit court in the county where the school district is
101 located.

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

105 5. In addition to any other penalties authorized by
106 law, a district board may file a civil action to recover,
107 from the parent, military guardian or legal guardian of the
108 pupil, the costs of school attendance for any pupil who was
109 enrolled at a school in the district and whose parent,

110 military guardian or legal guardian filed false information
111 to satisfy any requirement of subsection 2 of this section.

112 6. Subsection 2 of this section shall not apply to a
113 pupil who is a homeless child or youth, or a pupil attending
114 a school not in the pupil's district of residence as a
115 participant in an interdistrict transfer program established
116 under a court-ordered desegregation program, a pupil who is
117 a ward of the state and has been placed in a residential
118 care facility by state officials, a pupil who has been
119 placed in a residential care facility due to a mental
120 illness or developmental disability, a pupil attending a
121 school pursuant to sections 167.121 and 167.151 **or sections**
122 **167.1200 to 167.1230**, a pupil placed in a residential
123 facility by a juvenile court, a pupil with a disability
124 identified under state eligibility criteria if the student
125 is in the district for reasons other than accessing the
126 district's educational program, or a pupil attending a
127 regional or cooperative alternative education program or an
128 alternative education program on a contractual basis.

129 7. Within two business days of enrolling a pupil, the
130 school official enrolling a pupil, including any special
131 education pupil, shall request those records required by
132 district policy for student transfer, discipline records
133 required by subsection 9 of section 160.261 from all schools
134 previously attended by the pupil within the last twelve
135 months, and records of any behavioral threat assessments and
136 personal safety plans of the pupil created by the local
137 education agency if the student is currently subject to an
138 active personal safety plan or has been subject to a
139 personal safety plan in the previous twelve months. Any
140 school district that receives a request for such records
141 from another school district enrolling a pupil that had

142 previously attended a school in such district shall respond
143 to such request within five business days of receiving the
144 request. School districts may report or disclose education
145 records to law enforcement and juvenile justice authorities
146 if the disclosure concerns law enforcement's or juvenile
147 justice authorities' ability to effectively serve, prior to
148 adjudication, the student whose records are released. The
149 officials and authorities to whom such information is
150 disclosed must comply with applicable restrictions set forth
151 in 20 U.S.C. Section 1232g(b) (1) (E), **as amended**.

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

167.151. 1. The school board of any district:

2 (1) In its discretion, may admit to the school pupils
3 not entitled to free instruction; and

4 (2) Shall prescribe the tuition fee to be paid by
5 them, except as provided in:

6 (a) Subdivision (2) of subsection 3 of this section;

7 (b) Subsection 6 of this section; and

8 (c) Sections 167.121, 167.131, 167.132, 167.895, and
9 168.151; **and sections 167.1200 to 167.1230.**

10 2. Orphan children, children with only one parent
11 living, and children whose parents do not contribute to
12 their support - if the children are between the ages of six

13 and twenty years and are unable to pay tuition - may attend
14 the schools of any district in the state in which they have
15 a permanent or temporary home without paying a tuition fee.

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

34 (2) For all school years beginning on or after July 1,
35 2023, any current owner of residential real property or
36 agricultural real property or a named beneficiary of a trust
37 that currently owns residential real property or
38 agricultural real property and that pays a school tax in a
39 district or districts other than the district in which such
40 current owner or current beneficiary resides may send up to
41 four of such owner's or beneficiary's children to a public
42 school, excluding a charter school, in any district in which
43 such owner or trust pays such school tax. For purposes of
44 this subdivision, "residential real property" shall not

45 include any multifamily residential property which exceeds
46 four units. An owner or a named beneficiary of a trust that
47 currently owns residential real property shall not be
48 permitted under this subdivision to send their child to a
49 district outside of the county in which they currently
50 reside. Such owner or beneficiary shall send thirty days'
51 written notice to all school districts involved specifying
52 which school district each child will attend. Such owner or
53 beneficiary shall also present proof of the owner's or
54 trust's annual payment of at least two thousand dollars of
55 school taxes levied on the real property specified in this
56 subdivision within such school district and ownership of the
57 specified real property for not less than the immediately
58 preceding four consecutive years. Neither the resident nor
59 nonresident districts shall be responsible for providing
60 transportation services under this subdivision. The school
61 district attended shall count a child attending under this
62 subdivision in its average daily attendance for the purpose
63 of distribution of state aid under chapter 163, except that
64 such nonresident students shall not be counted in the
65 district's average daily attendance for the purposes of
66 determining eligibility for aid payments under section
67 163.044.

68 4. For any school year ending on or before June 30,
69 2023, any owner of agricultural land who, pursuant to
70 subsection 3 of this section, has the option of sending such
71 individual's children to the public schools of more than one
72 district shall exercise such option as provided in this
73 subsection. Such person shall send written notice to all
74 school districts involved specifying to which school
75 district such children will attend by June thirtieth in
76 which such a school year begins. If notification is not

77 received, such children shall attend the school in which the
78 majority of such individual's property lies. Such person
79 shall not send any of such individual's children to the
80 public schools of any district other than the one to which
81 such individual has sent notice pursuant to this subsection
82 in that school year or in which the majority of such
83 individual's property lies without paying tuition to such
84 school district.

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

100 6. (1) As used in this subsection, the following
101 terms mean:

102 (a) "Contractor", an individual who devotes at least
103 twenty paid hours per week fulfilling employment
104 requirements or providing services to or for the benefit of
105 a school district or charter school, or public school
106 employer in such district or charter school in any job title
107 or position that is covered for an employee with such job
108 title or in such position by a retirement system created

109 under chapter 169 under a contract between such individual
110 or such individual's employer and such school district,
111 charter school, or public school;

112 (b) "Regular employee", an individual who devotes at
113 least twenty paid hours per week fulfilling employment
114 requirements or providing services to or for the benefit of
115 a school district, public school in such district, or
116 charter school in any position that is covered by a
117 retirement system created under chapter 169.

118 (2) (a) For the 2025-26 school year and all
119 subsequent school years, a school district or charter school
120 may, if approved by a majority vote of the members of the
121 school board of the school district or governing board of
122 the charter school, adopt a policy to admit a child whose
123 parent is a contractor or regular employee of a school
124 district other than the child's school district of
125 residence, a public school in such district, or a charter
126 school, and, if such a policy is adopted, such child may
127 attend school in such nonresident school district or charter
128 school.

129 (b) Such nonresident school district or charter school
130 shall allow the child to attend school in the same manner in
131 which the district or charter school allows other pupils who
132 are entitled to free instruction to attend school in the
133 district and without paying a tuition fee.

134 (c) Such child shall be considered a resident pupil of
135 such nonresident district or charter school under the
136 definition of average daily attendance in section 163.011,
137 except that for a student attending a nonresident charter
138 school, the charter school shall receive a state aid payment
139 in an amount determined by multiplying the charter school's
140 weighted average daily attendance of such transferring

141 student enrolled in the charter school by the state adequacy
142 target and multiplying this product by the dollar-value
143 modifier for the district in which the charter school is
144 located, and the provisions of section 160.415 shall not
145 apply to any nonresident student attending a charter
146 school. For purposes of this paragraph, the terms "dollar-
147 value modifier", "state adequacy target", and "weighted
148 average daily attendance" shall have the same meaning as
149 such terms are defined in section 163.011.

150 (d) If such child wishes to attend a school within the
151 nonresident district or charter school that is a magnet
152 school, an academically selective school, or a school with a
153 competitive entrance process that has admissions
154 requirements, the child's parent shall furnish proof that
155 the child meets the admissions requirements for such school
156 in order to attend.

157 (3) The school district, charter school, or public
158 school may require:

159 (a) A contractor to provide documentation showing that
160 such contractor meets the requirements of this subsection;
161 and

162 (b) A contractor or regular employee to have worked a
163 minimum number of days, not to exceed sixty, for such
164 contractor's or regular employee's child to be eligible to
165 attend school in such nonresident school district or charter
166 school under this subsection.

167 (4) Neither the resident district or charter school
168 nor the nonresident district or charter school shall be
169 responsible for providing transportation services under this
170 subsection.

171 (5) If the parent of a nonresident child attending
172 school under this subsection ceases to be a contractor or

173 regular employee of a school district or charter school, the
174 child may complete the school year as provided under the
175 provisions of this subsection.

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

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

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

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

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

28 (7) "Socioeconomic status", the income level of a
29 student or the student's family, which shall be measured by

30 whether a student or the student's family meets the
31 financial eligibility criteria for free and reduced price
32 meals offered under federal guidelines;

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) (a) Each LEA shall, before November first of each
19 year, adopt a resolution by a majority vote of the governing
20 body of the LEA that states whether the LEA will or will not
21 participate in the public school open enrollment program
22 created in sections 167.1200 to 167.1230 by receiving
23 transferring students in the school year beginning on July
24 first of the following year.

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

29 (3) (a) An LEA may restrict the number of students
30 who may transfer to a nonresident LEA under sections
31 167.1200 to 167.1230 in each school year to the maximum of
32 three percent of the previous school year's enrollment for
33 the LEA; except that, after the 2028-29 school year, the
34 maximum number of students who may transfer to a nonresident
35 LEA shall increase by one percent for every two consecutive
36 school years the LEA is at its maximum number of students
37 who may transfer out of the LEA pursuant to this paragraph.
38 The maximum percentage of students who may transfer from a
39 resident LEA to a nonresident LEA shall be capped at five
40 percent of the previous school year's enrollment for the
41 resident LEA.

42 (b) A student seeking to transfer to a nonresident LEA
43 shall be eligible to transfer under sections 167.1200 to

44 167.1230 and shall count as part of the enrollment for such
45 student's resident LEA for the purposes of the transfer
46 maximum described in paragraph (a) of this subdivision if,
47 in the school year before the school year in which the
48 student seeks to transfer, such student:

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

54 (4) (a) The department shall develop and maintain an
55 online resource to facilitate applications for a public
56 school open enrollment transfer as described in sections
57 167.1200 to 167.1230. Such resource shall enable a
58 nonresident LEA to ensure that the LEA does not accept a
59 transfer application if the acceptance of such transfer
60 application would cause the transferring student's resident
61 LEA to exceed the transfer maximum for the preceding school
62 year.

63 (b) The online resource shall provide a searchable
64 public database of the number of transfers offered in each
65 participating LEA. The database shall list allowable
66 transfer numbers published under section 167.1215 for each
67 LEA for each school building, grade level, classroom, and
68 program.

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

73 4. (1) The department or another entity skilled in
74 policy development shall develop a model policy for
75 determining the number of transfers available under section

76 167.1215 and establishing specific standards for acceptance
77 and rejection of transfer applications.

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

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

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

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

94 (c) Any class-size limitation. An LEA may use
95 projections when determining class-size limitations;

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

97 (e) The LEA's projected enrollment; and

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

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

107 (a) Is already enrolled in the nonresident LEA; or

108 (b) Has made an application for enrollment in the same
109 nonresident LEA.

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

113 (a) Academic achievement;

114 (b) Athletic or other extracurricular ability;

115 (c) Disabilities;

116 (d) English proficiency level; or

117 (e) Previous disciplinary proceedings, except that any
118 suspension or expulsion from another LEA shall be included.

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

123 5. A nonresident LEA shall:

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

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

128 6. The governing body of each LEA shall cause the
129 information about the public school open enrollment program
130 to be posted on the LEA website and in the student handbook
131 to inform parents of students of the:

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

134 (2) Application deadline; and

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

137 7. If a student wishes to attend a school within a
138 nonresident LEA that is a magnet school, an academically
139 selective school, or a school with a competitive entrance

140 process that has admissions requirements, the student shall
141 furnish proof that the student meets the admissions
142 requirements in the application described under section
143 167.1220.

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

153 9. A student who is denied a transfer under subsection
154 8 of this section has the right to an in-person meeting with
155 the nonresident LEA's governing body. The nonresident LEA
156 shall develop common standards for determining disruptive
157 behavior that shall include, but not be limited to, criteria
158 under section 160.261.

159 10. (1) As used in this subsection, "school days of
160 enrollment" does not include enrollment in summer school,
161 and "varsity" means the highest level of competition offered
162 by one school or LEA against the highest level of
163 competition offered by an opposing school or LEA.

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

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

175 (i) The student is promoted from grade six to grade
176 seven;

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

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

183 b. If a student transfers schools under circumstances
184 that do not meet the athletic eligibility requirements under
185 sections 167.1200 to 167.1230, such student may be granted
186 eligibility to participate in interscholastic athletics as
187 hereinafter restricted if the student qualifies under the
188 following terms and conditions:

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

197 (ii) A student who has attended an LEA that does not
198 sponsor interscholastic athletics but who has participated
199 in organized nonschool competition during the twelve
200 calendar months preceding the date of such transfer shall be
201 eligible only for subvarsity competition in such sport for
202 three hundred sixty-five days after the date of transfer. A

203 student may have unrestricted eligibility in all other
204 sports in which such student did not participate; or
205 (iii) Eligibility may be granted as described in item
206 (i) of this subparagraph if the athletic eligibility is
207 approved by the principals of both the resident and
208 nonresident LEAs and if there is no athletic purpose
209 involved in the transfer. The student shall be ineligible
210 for all sports for three hundred sixty-five days after the
211 date of transfer if either or both principals decline to
212 approve athletic eligibility.

213 (b) Nothing in this section or section 167.1210 shall
214 prevent a statewide athletic association that provides
215 oversight for athletic or activity eligibility for students
216 from imposing a stricter penalty upon any transferring
217 student who is determined to have been unduly influenced to
218 participate in or not to participate in the public school
219 open enrollment program outlined in sections 167.1200 to
220 167.1230.

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

5 2. (1) A student who accepts a public school open
6 enrollment program transfer to a nonresident LEA shall
7 commit to attend and take all courses through the
8 nonresident LEA for at least two school years. The student
9 may meet with the governing body of the nonresident LEA to
10 be released from such commitment if extenuating
11 circumstances arise or if the student's resident LEA
12 changes. A transferring student shall not enroll in the
13 Missouri course access and virtual school program as a full-

14 time equivalent student, as such term is defined in
15 subsection 2 of section 161.670.

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

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

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

34 (2) A sibling of a transferring student who continues
35 enrollment in a nonresident LEA may enroll in or continue
36 enrollment in that nonresident LEA if the LEA has the
37 capacity to accept the sibling without adding teachers,
38 staff, or classrooms or exceeding the regulations and
39 standards established by law or the policy of the
40 nonresident LEA and the sibling has no discipline issues as
41 described in section 167.1205.

42 4. (1) The transferring student or the student's
43 parent is responsible for the transportation of the student
44 to and from the boundaries of the nonresident LEA where the
45 student is enrolled. The nonresident LEA shall be

46 responsible for the transportation of nonresident students
47 participating in the open enrollment program within the
48 boundaries of the nonresident LEA in which the school is
49 located.

50 (2) A nonresident LEA shall either establish a bus
51 stop location or utilize an existing bus stop location to
52 provide transportation services to students participating in
53 the open enrollment program. Costs incurred for
54 transportation services within the boundaries of a
55 nonresident LEA for students participating in the open
56 enrollment program shall be included in the nonresident
57 LEA's calculation for reimbursement for state aid as
58 provided in section 163.161, provided that nothing in this
59 subsection shall be considered when calculating the
60 efficiency of a nonresident LEA pursuant to the provisions
61 of section 163.161.

62 (3) Notwithstanding any provision of law to the
63 contrary, a nonresident charter school LEA shall be required
64 to provide transportation services pursuant to this
65 subsection only if such charter school LEA provides
66 transportation services to resident students. Nothing in
67 this subsection shall be construed to require charter school
68 LEAs to begin offering transportation services if such
69 services are not currently provided.

70 5. Notwithstanding the provisions of chapter 160,
71 chapter 163, or federal calculations of military impact aid
72 to the contrary, for the purposes of determining state and
73 federal aid, a transferring student shall be counted as a
74 resident pupil of the nonresident school district LEA in
75 which the student is enrolled, and for a student
76 transferring to a nonresident charter school LEA, the
77 charter school shall receive a state aid payment in an

78 amount determined by multiplying the charter school's
79 weighted average daily attendance of such transferring
80 student by the state adequacy target and multiplying this
81 product by the dollar-value modifier for the district in
82 which the charter school is located, and the provisions of
83 section 160.415 shall not apply to any state aid calculation
84 for a transferring pupil who enrolls in a nonresident
85 charter school LEA. For purposes of this subsection, the
86 terms "dollar-value modifier", "state adequacy target", and
87 "weighted average daily attendance" shall have the same
88 meaning as such terms are defined in section 163.011.

89 6. Notwithstanding any provision of law to the
90 contrary, for the purposes of payment to a special school
91 district established pursuant to the provisions of sections
92 162.670 to 162.996, a transferring student receiving
93 services from a special school district shall be counted as
94 a resident pupil of the nonresident LEA in which the student
95 is enrolled. If such student receives fifty percent or more
96 of such student's instruction from the special school
97 district, the special school district shall, in lieu of the
98 nonresident LEA, receive all funding which would otherwise
99 be paid to the nonresident LEA pursuant to the provisions of
100 sections 167.1200 to 167.1230 for such student.

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

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

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

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

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

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

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

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

28 fulfill the purposes of this section, the department shall,
29 as part of the legislative budget process, annually request
30 such moneys by a specific line item appropriation.

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

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

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

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

29 regulations, and other requirements regarding the provision
30 of special education services.

31 4. (1) The online resource created and maintained by
32 the department as described in section 167.1205 shall
33 include a waiting list for applications to nonresident LEAs
34 if a transfer cannot be accepted because the number of
35 transfers applied for exceeds the number of transfers
36 available. The online resource shall notify each applicant
37 that the applicant's transfer application may be subject to
38 placement on such waiting list if such transfer application
39 is included in a number of transfer applications that
40 exceeds the number of transfers available.

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

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

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

47 (c) Children of LEA employees;

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

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

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

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

4 (a) To the department, using the online resource
5 described in section 167.1205, beginning on November
6 fifteenth in the school year before the school year in which
7 the student seeks to begin the fall semester at the
8 nonresident LEA;

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

12 (c) Before January first of the school year before the
13 school year in which the student seeks to begin the fall
14 semester at the nonresident LEA.

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

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

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

22 (1) Conduct a lottery of eligible applications to
23 determine which student transfers will be approved, subject
24 to the conditions for approval under sections 167.1200 to
25 167.1230; and

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

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

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

34 (b) Those discipline records required by subsection 9
35 of section 160.261; and

36 (c) Records of any behavioral risk assessment
37 completed on the student.

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

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

46 5. (1) The governing body of the nonresident LEA
47 shall within ten business days:

48 (a) Review each application as received from the
49 department;

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

55 (c) Inform the department of such determination.

56 (2) Provided the nonresident LEA has additional seats
57 available for transfer students pursuant to such LEA's
58 policy adopted in accordance with the provisions of section
59 167.1205, if the nonresident LEA rejects an application, the
60 department shall send the next application on the waiting
61 list to the nonresident LEA for consideration.

62 6. (1) (a) Before March first of the school year
63 before the school year in which the student seeks to enroll
64 in a nonresident LEA under sections 167.1200 to 167.1230,
65 the nonresident LEA's governing body shall notify the
66 department as to whether the student's application has been

67 accepted or rejected through the online resource created
68 under section 167.1205.

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

75 (2) If the application is rejected, the department's
76 notification shall state the receiving nonresident LEA's
77 reason for the rejection.

78 (3) If the application is accepted, the department
79 shall state in the notification:

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

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

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

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

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

95 7. The department shall publish an annual report based
96 on the anonymous survey conducted under subdivision (4) of
97 subsection 6 of this section that provides aggregate data of
98 sufficient detail to allow analysis of trends regarding the

99 reasons for participation in the public school open
100 enrollment program at the statewide, regional, and local
101 levels. In such annual report, the department shall also
102 include aggregate data of sufficient detail to allow
103 detection and analysis of the impact of the public school
104 open enrollment program on racial, ethnic, and socioeconomic
105 balance among schools and LEAs at the statewide, regional,
106 and local levels. No such survey results published under
107 this subsection shall be published in a manner that would
108 allow for the identification of data attributable to a
109 specific LEA or that reveals information regarding a group
110 of five or fewer students. The department shall privately
111 share data specific to each LEA with each LEA prior to
112 publishing the annual report.

113 8. (1) If a student declines enrolling in the
114 nonresident LEA, the department shall send the LEA the next
115 application on the LEA's waiting list for consideration.

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

119 9. No additional open enrollment transfer applications
120 shall be sent by the department or approved by a nonresident
121 LEA after April fifteenth of the school year immediately
122 preceding the school year of enrollment.

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

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

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

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

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

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

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

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

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

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

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

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

41 7. Any LEA participating in the public school open
42 enrollment program that is served by a special school
43 district established under sections 162.670 to 162.996 shall
44 execute a form agreement prepared by the department with
45 such special school district regarding finance, staffing,
46 and other relevant items relating to any students requiring
47 special education services prior to participating in open
48 enrollment. An LEA and a special school district may choose
49 to modify such form agreement, but no such modifications
50 shall inhibit or delay the LEA's participating in the public
51 school open enrollment program.

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

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

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

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

10 settlement agreement remedying the effects of past racial
11 segregation.

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

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

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

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

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

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

34 3. (1) Any student who transfers to a nonresident LEA
35 under section 167.131, sections 162.1040 to 162.1061, or any
36 section other than sections 167.1200 to 167.1230 shall not
37 be subject to any requirements under sections 167.1200 to
38 167.1230.

39 (2) LEAs receiving transfer students or sending
40 transfer students to nonresident LEAs under section 167.131,
41 sections 162.1040 to 162.1061, or any section other than

42 sections 167.1200 to 167.1230 shall not be subject to any
43 requirements under sections 167.1200 to 167.1230 for those
44 transfer students.

45 4. (1) A student transferring to a nonresident LEA
46 under sections 167.1200 to 167.1230 shall not be considered
47 a transfer student under any law relating to another
48 transfer program or procedure that allows students to
49 transfer out of their resident LEAs.

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

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

59 (b) If such student does not enroll in such
60 nonresident LEA that is not a charter school before the end
61 of such student's fifth-grade year, such student may
62 transfer to such nonresident LEA during a year in which such
63 student is in grade six, seven, or eight under sections
64 167.1200 to 167.1230. When such student enters grade nine,
65 such student's resident LEA shall:

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

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

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

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

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

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

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

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

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

21 2. The department shall annually make a random
22 selection of ten percent of the LEAs participating in the
23 public school open enrollment program under sections
24 167.1200 to 167.1230. The department shall audit each

25 selected LEA's transfers approved or denied under policies
26 adopted by the governing body under sections 167.1200 to
27 167.1230. If the department determines that a selected LEA
28 is improperly implementing and administering the transfer
29 process established under sections 167.1200 to 167.1230, the
30 department may withhold any state aid provided to the LEA
31 under chapter 160 or chapter 163 until the LEA corrects the
32 transfer process improprieties identified by the
33 department's audit.

167.1230. No student shall be enrolled under sections
2 167.1200 to 167.1230 before July 1, 2028.

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