

# SENATE BILL NO. 971

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

4698S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 160.410, 160.415, 162.081, 167.132, 167.151, 167.241, 167.895, and 167.898, RSMo, and to enact in lieu thereof seven new sections relating to admission of nonresident students.

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

Section A. Sections 160.410, 160.415, 162.081, 167.132,  
2 167.151, 167.241, 167.895, and 167.898, RSMo, are repealed and  
3 seven new sections enacted in lieu thereof, to be known as  
4 sections 160.410, 160.415, 162.081, 167.151, 167.241, 167.895,  
5 and 167.898, to read as follows:

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it  
3 operates;

4 (2) Nonresident pupils eligible to attend a district's  
5 school under an urban voluntary transfer program;

6 (3) Nonresident pupils who transfer **[from an**  
7 **unaccredited district]** under section 167.895, **[provided that**  
8 **the charter school is an approved charter school, as defined**  
9 **in section 167.895, and]** subject to all other provisions of  
10 section 167.895;

11 (4) In the case of a charter school whose mission  
12 includes student drop-out prevention or recovery, any  
13 nonresident pupil from the same or an adjacent county who  
14 resides in a residential care facility, a transitional

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

15 living group home, or an independent living program whose  
16 last school of enrollment is in the school district where  
17 the charter school is established, who submits a timely  
18 application; and

19 (5) In the case of a workplace charter school, any  
20 student eligible to attend under subdivision (1) or (2) of  
21 this subsection whose parent is employed in the business  
22 district, who submits a timely application, unless the  
23 number of applications exceeds the capacity of a program,  
24 class, grade level or building. The configuration of a  
25 business district shall be set forth in the charter and  
26 shall not be construed to create an undue advantage for a  
27 single employer or small number of employers.

28 2. If capacity is insufficient to enroll all pupils  
29 who submit a timely application, the charter school shall  
30 have an admissions process that assures all applicants of an  
31 equal chance of gaining admission and does not discriminate  
32 based on parents' ability to pay fees or tuition except that:

33 (1) A charter school may establish a geographical area  
34 around the school whose residents will receive a preference  
35 for enrolling in the school, provided that such preferences  
36 do not result in the establishment of racially or  
37 socioeconomically isolated schools and provided such  
38 preferences conform to policies and guidelines established  
39 by the state board of education;

40 (2) A charter school may also give a preference for  
41 admission of children whose siblings attend the school or  
42 whose parents are employed at the school or in the case of a  
43 workplace charter school, a child whose parent is employed  
44 in the business district or at the business site of such  
45 school;

46           (3) Charter schools may also give a preference for  
47 admission to high-risk students, as defined in subdivision  
48 (5) of subsection 2 of section 160.405, when the school  
49 targets these students through its proposed mission,  
50 curriculum, teaching methods, and services;

51           (4) A charter school may also give a preference for  
52 admission to students who will be eligible for the free and  
53 reduced price lunch program in the upcoming school year.

54           3. A charter school shall not limit admission based on  
55 race, ethnicity, national origin, disability, income level,  
56 except as allowed under subdivision (4) of subsection 2 of  
57 this section, proficiency in the English language or  
58 athletic ability, but may limit admission to pupils within a  
59 given age group or grade level. Charter schools may limit  
60 admission based on gender only when the school is a single-  
61 gender school. Students of a charter school who have been  
62 enrolled for a full academic year shall be counted in the  
63 performance of the charter school on the statewide  
64 assessments in that calendar year, unless otherwise exempted  
65 as English language learners. For purposes of this  
66 subsection, "full academic year" means the last Wednesday in  
67 September through the administration of the Missouri  
68 assessment program test without transferring out of the  
69 school and re-enrolling.

70           4. A charter school shall make available for public  
71 inspection, and provide upon request, to the parent,  
72 guardian, or other custodian of any school-age pupil  
73 resident in the district in which the school is located the  
74 following information:

75           (1) The school's charter;

76           (2) The school's most recent annual report card  
77 published according to section 160.522;

78           (3) The results of background checks on the charter  
79 school's board members; and

80           (4) If a charter school is operated by a management  
81 company, a copy of the written contract between the  
82 governing board of the charter school and the educational  
83 management organization or the charter management  
84 organization for services. The charter school may charge  
85 reasonable fees, not to exceed the rate specified in section  
86 610.026 for furnishing copies of documents under this  
87 subsection.

88           5. When a student attending a charter school who is a  
89 resident of the school district in which the charter school  
90 is located moves out of the boundaries of such school  
91 district, the student may complete the current semester and  
92 shall be considered a resident student. The student's  
93 parent or legal guardian shall be responsible for the  
94 student's transportation to and from the charter school.

95           6. If a change in school district boundary lines  
96 occurs under section 162.223, 162.431, 162.441, or 162.451,  
97 or by action of the state board of education under section  
98 162.081, including attachment of a school district's  
99 territory to another district or dissolution, such that a  
100 student attending a charter school prior to such change no  
101 longer resides in a school district in which the charter  
102 school is located, then the student may complete the current  
103 academic year at the charter school. The student shall be  
104 considered a resident student. The student's parent or  
105 legal guardian shall be responsible for the student's  
106 transportation to and from the charter school.

107           7. The provisions of sections 167.018 and 167.019  
108 concerning foster children's educational rights are  
109 applicable to charter schools.

160.415. 1. For the purposes of calculation and  
2 distribution of state school aid under section 163.031,  
3 pupils enrolled in a charter school shall be included in the  
4 pupil enrollment of the school district within which each  
5 pupil resides. Each charter school shall report the  
6 eligibility for free and reduced price lunch, special  
7 education, or limited English proficiency status, as well as  
8 eligibility for categorical aid, of pupils resident in a  
9 school district who are enrolled in the charter school to  
10 the school district in which those pupils reside. The  
11 charter school shall report the average daily attendance  
12 data, free and reduced price lunch count, special education  
13 pupil count, and limited English proficiency pupil count to  
14 the state department of elementary and secondary education.  
15 Each charter school shall promptly notify the state  
16 department of elementary and secondary education and the  
17 pupil's school district when a pupil discontinues enrollment  
18 at a charter school.

19 2. Except as provided in subsections 3 and 4 of this  
20 section, the aid payments for charter schools shall be as  
21 described in this subsection.

22 (1) A school district having one or more resident  
23 pupils attending a charter school shall pay to the charter  
24 school an annual amount equal to the product of the charter  
25 school's weighted average daily attendance and the state  
26 adequacy target, multiplied by the dollar value modifier for  
27 the district, plus local tax revenues per weighted average  
28 daily attendance from the incidental and teachers' funds in  
29 excess of the performance levy as defined in section 163.011  
30 plus all other state aid attributable to such pupils.

31 (2) The district of residence of a pupil attending a  
32 charter school shall also pay to the charter school any

33 other federal or state aid that the district receives on  
34 account of such pupil.

35 (3) If the department overpays or underpays the amount  
36 due to the charter school, such overpayment or underpayment  
37 shall be repaid by the charter school or credited to the  
38 charter school in twelve equal payments in the next fiscal  
39 year.

40 (4) The amounts provided pursuant to this subsection  
41 shall be prorated for partial year enrollment for a pupil.

42 (5) A school district shall pay the amounts due  
43 pursuant to this subsection as the disbursal agent and no  
44 later than twenty days following the receipt of any such  
45 funds. The department of elementary and secondary education  
46 shall pay the amounts due when it acts as the disbursal  
47 agent within five days of the required due date.

48 3. A workplace charter school shall receive payment  
49 for each eligible pupil as provided under subsection 2 of  
50 this section, except that if the pupil is not a resident of  
51 the district and is participating in a voluntary  
52 interdistrict transfer program, the payment for such pupils  
53 shall be the same as provided under section 162.1060.

54 4. A charter school that has declared itself as a  
55 local educational agency shall receive from the department  
56 of elementary and secondary education an annual amount equal  
57 to the product of the charter school's weighted average  
58 daily attendance and the state adequacy target, multiplied  
59 by the dollar value modifier for the district, plus local  
60 tax revenues per weighted average daily attendance from the  
61 incidental and teachers funds in excess of the performance  
62 levy as defined in section 163.011 plus all other state aid  
63 attributable to such pupils. If a charter school declares  
64 itself as a local educational agency, the department of

65 elementary and secondary education shall, upon notice of the  
66 declaration, reduce the payment made to the school district  
67 by the amount specified in this subsection and pay directly  
68 to the charter school the annual amount reduced from the  
69 school district's payment.

70         5. If a school district fails to make timely payments  
71 of any amount for which it is the disbursal agent, the state  
72 department of elementary and secondary education shall  
73 authorize payment to the charter school of the amount due  
74 pursuant to subsection 2 of this section and shall deduct  
75 the same amount from the next state school aid apportionment  
76 to the owing school district. If a charter school is paid  
77 more or less than the amounts due pursuant to this section,  
78 the amount of overpayment or underpayment shall be adjusted  
79 equally in the next twelve payments by the school district  
80 or the department of elementary and secondary education, as  
81 appropriate. Any dispute between the school district and a  
82 charter school as to the amount owing to the charter school  
83 shall be resolved by the department of elementary and  
84 secondary education, and the department's decision shall be  
85 the final administrative action for the purposes of review  
86 pursuant to chapter 536. During the period of dispute, the  
87 department of elementary and secondary education shall make  
88 every administrative and statutory effort to allow the  
89 continued education of students in their current charter  
90 school setting.

91         6. The charter school and a local school board may  
92 agree by contract for services to be provided by the school  
93 district to the charter school. The charter school may  
94 contract with any other entity for services. Such services  
95 may include but are not limited to food service, custodial  
96 service, maintenance, management assistance, curriculum

97 assistance, media services and libraries and shall be  
98 subject to negotiation between the charter school and the  
99 local school board or other entity. Documented actual costs  
100 of such services shall be paid for by the charter school.

101 7. In the case of a proposed charter school that  
102 intends to contract with an education service provider for  
103 substantial educational services or management services, the  
104 request for proposals shall additionally require the charter  
105 school applicant to:

106 (1) Provide evidence of the education service  
107 provider's success in serving student populations similar to  
108 the targeted population, including demonstrated academic  
109 achievement as well as successful management of nonacademic  
110 school functions, if applicable;

111 (2) Provide a term sheet setting forth the proposed  
112 duration of the service contract; roles and responsibilities  
113 of the governing board, the school staff, and the service  
114 provider; scope of services and resources to be provided by  
115 the service provider; performance evaluation measures and  
116 time lines; compensation structure, including clear  
117 identification of all fees to be paid to the service  
118 provider; methods of contract oversight and enforcement;  
119 investment disclosure; and conditions for renewal and  
120 termination of the contract;

121 (3) Disclose any known conflicts of interest between  
122 the school governing board and proposed service provider or  
123 any affiliated business entities;

124 (4) Disclose and explain any termination or nonrenewal  
125 of contracts for equivalent services for any other charter  
126 school in the United States within the past five years;

127           (5) Ensure that the legal counsel for the charter  
128 school shall report directly to the charter school's  
129 governing board; and

130           (6) Provide a process to ensure that the expenditures  
131 that the education service provider intends to bill to the  
132 charter school shall receive prior approval of the governing  
133 board or its designee.

134           8. A charter school may enter into contracts with  
135 community partnerships and state agencies acting in  
136 collaboration with such partnerships that provide services  
137 to students and their families linked to the school.

138           9. A charter school shall be eligible for  
139 transportation state aid pursuant to section 163.161 and  
140 shall be free to contract with the local district, or any  
141 other entity, for the provision of transportation to the  
142 students of the charter school.

143           10. (1) The proportionate share of state and federal  
144 resources generated by students with disabilities or staff  
145 serving them shall be paid in full to charter schools  
146 enrolling those students by their school district where such  
147 enrollment is through a contract for services described in  
148 this section. The proportionate share of money generated  
149 under other federal or state categorical aid programs shall  
150 be directed to charter schools serving such students  
151 eligible for that aid.

152           (2) A charter school shall provide the special  
153 services provided pursuant to section 162.705 and may  
154 provide the special services pursuant to a contract with a  
155 school district or any provider of such services.

156           11. A charter school shall not charge tuition or  
157 impose fees that a school district is prohibited from  
158 charging or imposing[, except that a charter school may

159 receive tuition payments from districts in the same or an  
160 adjoining county for nonresident students who transfer to an  
161 approved charter school, as defined in section 167.895, from  
162 an unaccredited district].

163       12. A charter school is authorized to incur debt in  
164 anticipation of receipt of funds. A charter school may also  
165 borrow to finance facilities and other capital items. A  
166 school district may incur bonded indebtedness or take other  
167 measures to provide for physical facilities and other  
168 capital items for charter schools that it sponsors or  
169 contracts with. Except as otherwise specifically provided  
170 in sections 160.400 to 160.425, upon the dissolution of a  
171 charter school, any liabilities of the corporation will be  
172 satisfied through the procedures of chapter 355. A charter  
173 school shall satisfy all its financial obligations within  
174 twelve months of notice from the sponsor of the charter  
175 school's closure under subsection 8 of section 160.405.  
176 After satisfaction of all its financial obligations, a  
177 charter school shall return any remaining state and federal  
178 funds to the department of elementary and secondary  
179 education for disposition as stated in subdivision (17) of  
180 subsection 1 of section 160.405. The department of  
181 elementary and secondary education may withhold funding at a  
182 level the department determines to be adequate during a  
183 school's last year of operation until the department  
184 determines that school records, liabilities, and reporting  
185 requirements, including a full audit, are satisfied.

186       13. Charter schools shall not have the power to  
187 acquire property by eminent domain.

188       14. The governing board of a charter school is  
189 authorized to accept grants, gifts or donations of any kind  
190 and to expend or use such grants, gifts or donations. A

191 grant, gift or donation shall not be accepted by the  
192 governing board if it is subject to any condition contrary  
193 to law applicable to the charter school or other public  
194 schools, or contrary to the terms of the charter.

195 15. In addition to any state aid remitted to charter  
196 schools under this section, the department of elementary and  
197 secondary education shall remit to any charter school an  
198 amount equal to the weighted average daily attendance of the  
199 charter school multiplied by the difference of:

200 (1) The amount of state aid and local aid per weighted  
201 average daily attendance received by the school district in  
202 which the charter school is located, not including any funds  
203 remitted to charter schools in the district. For the  
204 purposes of this subdivision, the weighted average daily  
205 attendance of the school district shall not include the  
206 weighted average daily attendance of the charter schools  
207 located in the district; and

208 (2) The amount of state aid and local aid per weighted  
209 average daily attendance of the charter school received by  
210 the charter school.

211 16. Charter schools may adjust weighted average daily  
212 attendance pursuant to section 163.036.

213 17. When calculating the amounts in subdivisions (1)  
214 and (2) of subsection 15 of this section, the department  
215 shall utilize the most current data to which the department  
216 has access.

217 18. For the purposes of subsection 15 of this section:

218 (1) The definitions contained in section 163.011,  
219 shall apply;

220 (2) The term "local aid" shall mean all local and  
221 county revenue received, including, but not limited to, the  
222 following:

- 223 (a) Property taxes and delinquent taxes;  
224 (b) Merchants' and manufacturers' tax revenues;  
225 (c) Financial institutions' tax revenues;  
226 (d) City sales tax revenue, including city sales tax  
227 collected in any city not within a county;  
228 (e) Payments in lieu of taxes; and  
229 (f) Revenues from state-assessed railroad and  
230 utilities tax;

231 (3) The term local aid shall not be construed to  
232 include:

233 (a) Charitable contributions, gifts, and grants made  
234 to school districts;

235 (b) Interest earnings of school districts and student  
236 fees paid to school districts;

237 (c) Debt service authorized by a public vote for the  
238 purpose of making payments on a bond issuance of a school  
239 district;

240 (d) Proposition C revenues received for school  
241 purposes from the school district trust fund under section  
242 163.087; or

243 (e) Any other funding solely intended for a particular  
244 school district or their respective employees, schools,  
245 foundations, or organizations;

246 (4) The term "state aid" shall mean any revenues  
247 received pursuant to this section and sections 163.043 and  
248 163.087.

249 19. Notwithstanding any other provision of law to the  
250 contrary, subsections 15 to 18 of this section shall be  
251 applicable to charter schools operated only in the following  
252 school districts, provided that no such school district  
253 shall be located in a county with more than one hundred

254 fifty thousand but fewer than two hundred thousand  
255 inhabitants:

256 (1) In a metropolitan school district;

257 (2) In an urban school district containing most or all  
258 of a city with more than four hundred thousand inhabitants  
259 and located in more than one county;

260 (3) In a school district that has been classified as  
261 unaccredited by the state board of education;

262 (4) In a school district that has been classified as  
263 provisionally accredited by the state board of education and  
264 has received scores on its annual performance report  
265 consistent with a classification of provisionally accredited  
266 or unaccredited for three consecutive school years beginning  
267 with the 2012-13 accreditation year under the conditions  
268 described in paragraphs (a) and (b) of subdivision (4) of  
269 subsection 2 of section 160.400; or

270 (5) In a school district that has been accredited  
271 without provisions, sponsored only by the local school board  
272 under the conditions described in subdivision (6) of  
273 subsection 2 of section 160.400.

274 20. (1) The members of the governing board of a  
275 charter school shall be residents of the state of Missouri.

276 (2) Any current member of a governing board of a  
277 charter school who does not meet the requirements in  
278 subdivision (1) of this subsection may complete their term.  
279 Such individual shall not be renominated as a member of the  
280 governing board on which he or she sits.

281 21. (1) Any charter school management company  
282 operating a charter school in the state shall be a nonprofit  
283 corporation incorporated pursuant to chapter 355.

284 (2) Notwithstanding any provision of law to the  
285 contrary, if a charter school is operated by a charter

286 school management company, all laws and regulations that  
287 apply to employees of such charter school shall apply to the  
288 actions of any employees of the management company while  
289 they are conducting any work relating to the direct decision-  
290 making of the operation of such charter school.

291 22. Beginning July 1, 2023, the provisions of section  
292 160.995 shall be applicable to charter schools.

293 23. Each charter school shall publish its annual  
294 performance report on the school's website in a downloadable  
295 format.

162.081. 1. Whenever any school district in this  
2 state fails or refuses in any school year to provide for the  
3 minimum school term required by section 163.021 or is  
4 classified unaccredited, the state board of education shall,  
5 upon a district's initial classification or reclassification  
6 as unaccredited:

7 (1) Review the governance of the district to establish  
8 the conditions under which the existing school board shall  
9 continue to govern; or

10 (2) Determine the date the district shall lapse and  
11 determine an alternative governing structure for the  
12 district.

13 2. If at the time any school district in this state  
14 shall be classified as unaccredited, the department of  
15 elementary and secondary education shall conduct at least  
16 two public hearings at a location in the unaccredited school  
17 district regarding the accreditation status of the school  
18 district. The hearings shall provide an opportunity to  
19 convene community resources that may be useful or necessary  
20 in supporting the school district as it attempts to return  
21 to accredited status, continues under revised governance, or  
22 plans for continuity of educational services and resources

23 upon its attachment to a neighboring district. The  
24 department may request the attendance of stakeholders and  
25 district officials to review the district's plan to return  
26 to accredited status, if any; offer technical assistance;  
27 and facilitate and coordinate community resources. Such  
28 hearings shall be conducted at least twice annually for  
29 every year in which the district remains unaccredited or  
30 provisionally accredited.

31 3. Upon classification of a district as unaccredited,  
32 the state board of education may:

33 (1) Allow continued governance by the existing school  
34 district board of education under terms and conditions  
35 established by the state board of education; or

36 (2) Lapse the corporate organization of all or part of  
37 the unaccredited district and:

38 (a) Appoint a special administrative board for the  
39 operation of all or part of the district. If a special  
40 administrative board is appointed for the operation of a  
41 part of a school district, the state board of education  
42 shall determine an equitable apportionment of state and  
43 federal aid for the part of the district and the school  
44 district shall provide local revenue in proportion to the  
45 weighted average daily attendance of the part. The number  
46 of members of the special administrative board shall not be  
47 less than five, the majority of whom shall be residents of  
48 the district. The members of the special administrative  
49 board shall reflect the population characteristics of the  
50 district and shall collectively possess strong experience in  
51 school governance, management and finance, and leadership.  
52 The state board of education may appoint members of the  
53 district's elected school board to the special  
54 administrative board, but members of the elected school

55 board shall not comprise more than forty-nine percent of the  
56 special administrative board's membership. Within fourteen  
57 days after the appointment by the state board of education,  
58 the special administrative board shall organize by the  
59 election of a president, vice president, secretary and a  
60 treasurer, with their duties and organization as enumerated  
61 in section 162.301. The special administrative board shall  
62 appoint a superintendent of schools to serve as the chief  
63 executive officer of the school district, or a subset of  
64 schools, and to have all powers and duties of any other  
65 general superintendent of schools in a seven-director school  
66 district. Any special administrative board appointed under  
67 this section shall be responsible for the operation of the  
68 district or part of the district until such time that the  
69 district is classified by the state board of education as  
70 provisionally accredited for at least two successive  
71 academic years, after which time the state board of  
72 education may provide for a transition pursuant to section  
73 162.083; or

74 (b) Determine an alternative governing structure for  
75 the district including, at a minimum:

76 a. A rationale for the decision to use an alternative  
77 form of governance and in the absence of the district's  
78 achievement of full accreditation, the state board of  
79 education shall review and recertify the alternative form of  
80 governance every three years;

81 b. A method for the residents of the district to  
82 provide public comment after a stated period of time or upon  
83 achievement of specified academic objectives;

84 c. Expectations for progress on academic achievement,  
85 which shall include an anticipated time line for the  
86 district to reach full accreditation; and

87           d. Annual reports to the general assembly and the  
88 governor on the progress towards accreditation of any  
89 district that has been declared unaccredited and is placed  
90 under an alternative form of governance, including a review  
91 of the effectiveness of the alternative governance; or

92           (c) Attach the territory of the lapsed district to  
93 another district or districts for school purposes; or

94           (d) Establish one or more school districts within the  
95 territory of the lapsed district, with a governance  
96 structure specified by the state board of education, with  
97 the option of permitting a district to remain intact for the  
98 purposes of assessing, collecting, and distributing property  
99 taxes, to be distributed equitably on a weighted average  
100 daily attendance basis, but to be divided for operational  
101 purposes, which shall take effect sixty days after the  
102 adjournment of the regular session of the general assembly  
103 next following the state board's decision unless a statute  
104 or concurrent resolution is enacted to nullify the state  
105 board's decision prior to such effective date.

106           4. If a district remains under continued governance by  
107 the school board under subdivision (1) of subsection 3 of  
108 this section and either has been unaccredited for three  
109 consecutive school years and failed to attain accredited  
110 status after the third school year or has been unaccredited  
111 for two consecutive school years and the state board of  
112 education determines its academic progress is not consistent  
113 with attaining accredited status after the third school  
114 year, then the state board of education shall proceed under  
115 subdivision (2) of subsection 3 of this section in the  
116 following school year.

117           5. A special administrative board or any other form of  
118 governance appointed under this section shall retain the

119 authority granted to a board of education for the operation  
120 of the lapsed school district under the laws of the state in  
121 effect at the time of the lapse and may enter into contracts  
122 with accredited school districts or other education service  
123 providers in order to deliver high-quality educational  
124 programs to the residents of the district. If a student  
125 graduates while attending a school building in the district  
126 that is operated under a contract with an accredited school  
127 district as specified under this subsection, the student  
128 shall receive his or her diploma from the accredited school  
129 district. The authority of the special administrative board  
130 or any other form of governance appointed under this section  
131 shall expire at the end of the third full school year  
132 following its appointment, unless extended by the state  
133 board of education. If the lapsed district is reassigned,  
134 the governing board prior to lapse shall provide an  
135 accounting of all funds, assets and liabilities of the  
136 lapsed district and transfer such funds, assets, and  
137 liabilities of the lapsed district as determined by the  
138 state board of education. Neither the special  
139 administrative board nor any other form of governance  
140 appointed under this section nor its members or employees  
141 shall be deemed to be the state or a state agency for any  
142 purpose, including section 105.711, et seq. The state of  
143 Missouri, its agencies and employees shall be absolutely  
144 immune from liability for any and all acts or omissions  
145 relating to or in any way involving the lapsed district, a  
146 special administrative board, any other form of governance  
147 appointed under this section, or the members or employees of  
148 the lapsed district, a special administrative board, or any  
149 other form of governance appointed under this section. Such  
150 immunities, and immunity doctrines as exist or may hereafter

151 exist benefitting boards of education, their members and  
152 their employees shall be available to the special  
153 administrative board or any other form of governance  
154 appointed under this section and the members and employees  
155 of the special administrative board or any other form of  
156 governance appointed under this section.

157         6. Neither the special administrative board nor any  
158 other form of governance appointed under this section nor  
159 any district or other entity assigned territory, assets or  
160 funds from a lapsed district shall be considered a successor  
161 entity for the purpose of employment contracts, unemployment  
162 compensation payment pursuant to section 288.110, or any  
163 other purpose.

164         7. If additional teachers are needed by a district as  
165 a result of increased enrollment due to the annexation of  
166 territory of a lapsed or dissolved district, such district  
167 shall grant an employment interview to any permanent teacher  
168 of the lapsed or dissolved district upon the request of such  
169 permanent teacher.

170         8. In the event that a school district with an  
171 enrollment in excess of five thousand pupils lapses, no  
172 school district shall have all or any part of such lapsed  
173 school district attached without the approval of the board  
174 of the receiving school district.

175         9. If the state board of education reasonably believes  
176 that a school district is unlikely to provide for the  
177 minimum school term required by section 163.021 because of  
178 financial difficulty, the state board of education may,  
179 prior to the start of the school term:

180             (1) Allow continued governance by the existing  
181 district school board under terms and conditions established  
182 by the state board of education; or

183           (2) Lapse the corporate organization of the district  
184 and implement one of the options available under subdivision  
185 (2) of subsection 3 of this section.

186           10. The provisions of subsection 9 of this section  
187 shall not apply to any district solely on the basis of  
188 financial difficulty resulting from paying **[tuition] costs**  
189 **associated with the provision of special education and**  
190 **related services** and providing transportation for transfer  
191 students under sections 167.895 and 167.898.

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.

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.

167.241. 1. Except as otherwise provided under this  
2 section, transportation for pupils whose tuition the  
3 district of residence is required to pay by section 167.131  
4 or who are assigned as provided in section 167.121 shall be  
5 provided by the district of residence.

6 2. In the case of pupils covered by section 167.131,  
7 the district of residence shall be required to provide  
8 transportation only to school districts accredited by the

9 state board of education pursuant to the authority of the  
10 state board of education to classify schools as established  
11 in section 161.092, and those school districts designated by  
12 the board of education of the district of residence.

13 3. [(1) For purposes of this subsection, "approved  
14 charter school" has the same meaning given to the term under  
15 section 167.895.

16 (2) For pupils [covered by] **transferring to another**  
17 **school district or charter school pursuant to the provisions**  
18 **of** section 167.895, the district of residence shall be  
19 required to provide transportation only to school districts  
20 or [approved] charter schools designated by the department  
21 of elementary and secondary education or its designee. For  
22 **such** pupils [covered by section 167.895], the department of  
23 elementary and secondary education or its designee shall  
24 designate at least one [accredited] **school** district or  
25 [approved] charter school to which the district of residence  
26 shall provide transportation. If the designated district or  
27 charter school reaches full student capacity and is unable  
28 to receive additional students, the department of elementary  
29 and secondary education or its designee shall designate at  
30 least one additional [accredited] **school** district or  
31 [approved] charter school to which the district of residence  
32 shall provide transportation.

167.895. 1. For purposes of this section and section  
2 167.898, the following terms mean:

3 (1) ["Approved charter school", a charter school that  
4 has existed for less than three years or a charter school  
5 with a three-year average score consistent with a  
6 classification of accredited without provisions on its  
7 annual performance report] **"Charter school", an independent**

8 **public school established pursuant to the provisions of**  
9 **sections 160.400 to 160.425;**

10 (2) ["Attendance center", a public school building,  
11 public school buildings, or part of a public school building  
12 that offers education in a grade or grades not higher than  
13 the twelfth grade and that constitutes one unit for  
14 accountability and reporting purposes for the department of  
15 elementary and secondary education;

16 (3) "Available receiving district", a school district  
17 able to receive transfer students under this section;

18 (4)] "Receiving district", a school district receiving  
19 transfer students under this section;

20 [(5)] (3) "Sending district", a school district from  
21 which students are transferring to a receiving district or  
22 [approved] charter school, as allowed under this section.

23 2. (1) Any student may transfer to another public  
24 school [in the student's district of residence if such  
25 student is enrolled in and has attended, for the full  
26 semester immediately prior to requesting the transfer, an  
27 attendance center:

28 (a) That is located within an unaccredited district;  
29 and

30 (b) That has an annual performance report score  
31 consistent with a classification of unaccredited] **pursuant**  
32 **to the provisions of this section beginning in the 2027-28**  
33 **school year and in all subsequent school years.** However, no  
34 such transfer shall result in a class size and assigned  
35 enrollment in a receiving school that exceeds the standards  
36 for class size and assigned enrollment as promulgated in the  
37 Missouri school improvement program's resource standards.  
38 If the student chooses to attend a magnet school, an  
39 academically selective school, or a school with a

40 competitive entrance process within his or her district of  
41 residence that has admissions requirements, the student  
42 shall meet the admissions requirements in order to attend.

43 (2) The school board of each **[unaccredited] school**  
44 district shall determine the capacity at each **[of the**  
45 **district's attendance centers that has an annual performance**  
46 **report score consistent with a classification of accredited]**  
47 **grade level and each school, and shall accept all transfer**  
48 **students who apply and are assigned to the school district**  
49 **as provided in section 167.898 so long as there is capacity**  
50 **in the requested grade level and school.** The district's  
51 school board shall be responsible for coordinating transfers  
52 within the district as allowed under this subsection, **and**  
53 **school board policies governing transfers shall not**  
54 **discriminate against any student on the basis of his or her**  
55 **residential address, academic performance, athletic ability,**  
56 **disability, race, ethnicity, sex, or free and reduced price**  
57 **lunch status.**

58 (3) The school board of each **[unaccredited] school**  
59 district shall **[annually]** report to the department of  
60 elementary and secondary education or its designee the  
61 number of available slots in **[attendance centers within the**  
62 **district that have annual performance report scores**  
63 **consistent with a classification of accredited]** **each grade**  
64 **level and each school,** the number of students who request to  
65 transfer within the district, and the number of such  
66 transfer requests that are granted **and denied by July 15,**  
67 **2027, and by the first day of each month thereafter.** The  
68 **department of elementary and secondary education shall**  
69 **publish and update the capacity of each district's grade**  
70 **levels and schools on its website.**

71           3. [(1) Any student who is eligible to transfer  
72 within his or her district under subsection 2 of this  
73 section but who is unable to do so due to a lack of capacity  
74 in the attendance centers in his or her district of  
75 residence may apply to the department of elementary and  
76 secondary education or its designee to transfer to:

77           (a) An attendance center:

78           a. That is located within an accredited district that  
79 is located in the same or an adjoining county; and

80           b. That has an annual performance report score  
81 consistent with a classification of accredited; or

82           (b) An approved charter school located in another  
83 district in the same or an adjoining county.

84           (2) A student who is eligible to begin kindergarten or  
85 first grade at an attendance center:

86           (a) That is located within an unaccredited district;

87           (b) That has an annual performance report score  
88 consistent with a classification of unaccredited; and

89           (c) That offers classes above the second grade level

90 may apply to the department of elementary and secondary  
91 education or its designee for a transfer to a school  
92 described under paragraph (a) or (b) of subdivision (1) of  
93 this subsection if he or she resides in the attendance area  
94 of the attendance center described under this subdivision on  
95 March first preceding the school year of first attendance.  
96 A student who does not apply by March first for enrollment  
97 in any school year after the 2019-20 school year shall be  
98 required to enroll and attend the attendance center  
99 described under this subdivision for one semester to become  
100 eligible.

101 (3)] If a student who is eligible to transfer under  
102 this [subsection] **section** chooses to apply to attend a  
103 magnet school, an academically selective school, or a school  
104 with a competitive entrance process that has admissions  
105 requirements, the student shall furnish proof that he or she  
106 meets the admissions requirements.

107 [(4) Any student who does not maintain residency in  
108 the attendance area of his or her attendance center in the  
109 district of residence shall lose eligibility to transfer.

110 (5) Except as provided under subsection 7 of this  
111 section, any student who transfers but later withdraws shall  
112 lose eligibility to transfer.

113 (6) The transfer provisions of this subsection shall  
114 not apply to a district created under sections 162.815 to  
115 162.840 or to any early childhood programs or early  
116 childhood special education programs.

117 4. (1) No student enrolled in and attending an  
118 attendance center that does not offer classes above the  
119 second grade level shall be eligible to transfer under this  
120 section.

121 (2) No student who is eligible to begin kindergarten  
122 or first grade at an attendance center that does not offer  
123 classes above the second grade level shall be eligible to  
124 transfer under this section.

125 5. (1) (a) No provisionally accredited district  
126 shall be eligible to receive transfer students.

127 (b) Except as provided under paragraph (c) of this  
128 subdivision, no attendance center that has an annual  
129 performance report score consistent with a classification of  
130 provisionally accredited shall be eligible to receive  
131 transfer students.

132 (c) A transfer student who chooses to attend an  
133 attendance center that has an annual performance report  
134 score consistent with a classification of provisionally  
135 accredited and that is located within his or her  
136 unaccredited district of residence shall be allowed to  
137 transfer to such attendance center if there is an available  
138 slot.

139 (2) (a) No unaccredited district shall be eligible to  
140 receive transfer students.

141 (b) No attendance center that has an annual  
142 performance report score consistent with a classification of  
143 unaccredited shall be eligible to receive transfer students.

144 (3) No district or attendance center that has received  
145 two consecutive annual performance reports consistent with a  
146 classification of provisionally accredited for the years  
147 immediately preceding the year in which it seeks to enroll  
148 transfer students shall be eligible to receive any transfer  
149 students, irrespective of its state board of education  
150 classification designation; except that, any student who was  
151 granted a transfer to such a district or attendance center  
152 prior to August 28, 2019 may remain enrolled in that  
153 district or attendance center.

154 6. Notwithstanding the provisions of subsection 5 of  
155 this section, a student may transfer to an attendance center:

156 (1) That is located within an unaccredited or  
157 provisionally accredited district; and

158 (2) That has an annual performance report score  
159 consistent with a classification of accredited

160 if the attendance center applies for and is granted a waiver  
161 by the department of elementary and secondary education or

162 its designee to allow the attendance center to accept  
163 transfer students.

164 7. If a receiving district becomes unaccredited or  
165 provisionally accredited, or if an approved charter school  
166 loses its status as an approved charter school, any students  
167 who previously transferred to the district or charter school  
168 shall receive the opportunity to remain enrolled in the  
169 district or charter school or to transfer to another  
170 district or approved charter school without losing their  
171 eligibility to transfer.

172 8. For a receiving district, no acceptance of a  
173 transfer student shall require any of the following actions,  
174 unless the board of education of the receiving district has  
175 approved the action:

176 (1) The hiring of additional classroom teachers;  
177 (2) The construction of additional classrooms; or  
178 (3) A class size and assigned enrollment in a  
179 receiving school that exceeds the standards for class size  
180 and assigned enrollment as promulgated in the Missouri  
181 school improvement program's resource standards.

182 9. (1) By July 15, 2019, the board of education of  
183 each available receiving district and the governing board of  
184 each approved charter school eligible to receive transfer  
185 students under this section shall set the number of transfer  
186 students the district or charter school is able to receive  
187 for the 2019-20 school year.

188 (2) By February first annually, the board of education  
189 of each available receiving district and the governing board  
190 of each approved charter school eligible to receive transfer  
191 students under this section shall set the number of transfer  
192 students the district or charter school is able to receive  
193 for the following school year.

194 (3) An available receiving district or approved  
195 charter school eligible to receive transfer students under  
196 this section shall publish the number set under this  
197 subsection and shall not be required to accept any transfer  
198 students under this section that would cause it to exceed  
199 the published number.

200 10. (1) Each available receiving district shall adopt  
201 a policy establishing a tuition rate for transfer students  
202 by February first annually.

203 (2) Each approved charter school eligible to receive  
204 transfer students under this section shall adopt a policy  
205 establishing a tuition rate for transfer students by  
206 February first annually.

207 (3) A sending district shall pay the receiving  
208 district or the approved charter school the amount specified  
209 under section 167.132 for each transfer student.]

210 **4. Notwithstanding the provisions of chapter 163 or**  
211 **federal calculations of military impact aid to the contrary,**  
212 **for the purposes of determining state and federal aid, a**  
213 **transfer student shall be counted as a resident of the**  
214 **receiving district in which the student is enrolled.**  
215 **Tuition shall not be charged to any student or to his or her**  
216 **parent or legal guardian.**

217 [11.] 5. A student whose transfer application has been  
218 denied by a receiving district shall have the right to  
219 appeal the decision of the receiving district to the  
220 department of elementary and secondary education. The  
221 appeal shall be taken within fifteen days after the decision  
222 of the [department] **receiving district** and may be taken by  
223 filing notice of appeal with the department. Such appeal  
224 shall be heard as provided in chapter 536.

225 [12. If an unaccredited district becomes classified as  
226 provisionally accredited or accredited without provisions by  
227 the state board of education, or if an attendance center  
228 within an unaccredited district improves its annual  
229 performance report score from a score that is consistent  
230 with a classification of unaccredited to a score that is  
231 consistent with a classification of provisionally accredited  
232 or accredited, any resident student of the unaccredited  
233 district who has transferred to an approved charter school  
234 or to an accredited district in the same or an adjoining  
235 county, as allowed under subsection 3 of this section, shall  
236 be permitted to continue his or her educational program in  
237 the receiving district or charter school through the  
238 completion of middle school, junior high school, or high  
239 school, whichever occurs first; except that, a student who  
240 attends any school serving students through high school  
241 graduation but starting at grades lower than ninth grade  
242 shall be permitted to complete high school in the school to  
243 which he or she has transferred.

244 [13.] 6. Notwithstanding the provisions of subsection  
245 [10] 4 of this section, if [costs associated with the  
246 provision of special education and related services to a  
247 student with a disability exceed the tuition amount  
248 established under this section, the unaccredited district  
249 shall remain responsible for paying the excess cost to the  
250 receiving district. If] the receiving district is a  
251 component district of a special school district, the  
252 [unaccredited] **sending** district, including any metropolitan  
253 school district, shall contract with the special school  
254 district for the entirety of the costs to provide special  
255 education and related services, excluding transportation in  
256 accordance with this section. The special school district

257 may contract with [an unaccredited] a **sending** district,  
258 including any metropolitan district, for the provision of  
259 transportation of a student with a disability or the  
260 [unaccredited] **sending** district may provide transportation  
261 on its own.

262 [14.] 7. A special school district shall continue to  
263 provide special education and related services, with the  
264 exception of transportation under this section, to a student  
265 with a disability transferring [from an attendance center  
266 with an annual performance report score consistent with a  
267 classification of unaccredited that is within a component  
268 district to an attendance center with an annual performance  
269 report score consistent with a classification of accredited  
270 that is within the same or a different component district]  
271 to another school within the special school district.

272 [15.] 8. If [any] the **sending district is a**  
273 metropolitan school district [is classified as  
274 unaccredited], it shall remain responsible for the provision  
275 of special education and related services, including  
276 transportation, to students with disabilities. A special  
277 school district in an adjoining county to a metropolitan  
278 school district may contract with the metropolitan school  
279 district for the reimbursement of special education services  
280 under sections 162.705 and 162.710 provided by the special  
281 school district for transfer students who are residents of  
282 the [unaccredited] **sending** district.

283 [16.] 9. Regardless of whether transportation is  
284 identified as a related service within a student's  
285 individualized education program, a receiving district that  
286 is not part of a special school district shall not be  
287 responsible for providing transportation to a student  
288 transferring under this section. [An unaccredited] **A**

289 **sending** district may contract with a receiving district that  
290 is not part of a special school district under sections  
291 162.705 and 162.710 for transportation of students with  
292 disabilities.

293 [17.] 10. If **the sending district is** a seven-director  
294 school district or urban school district [is classified as  
295 unaccredited], it may contract with a receiving district  
296 that is not part of a special school district in the same or  
297 an adjoining county for the reimbursement of special  
298 education and related services under sections 162.705 and  
299 162.710 provided by the receiving district for transfer  
300 students who are residents of the [unaccredited] **sending**  
301 district.

167.898. 1. (1) By July 15, [2019] **2027**, and by  
2 [January first annually] **the first day of each month**  
3 **thereafter**, each [accredited] **school** district[, any portion  
4 of which is located in the same county as or in an adjoining  
5 county to an unaccredited district,] shall report to the  
6 department of elementary and secondary education or its  
7 designee the number of available enrollment slots by grade  
8 level **and school**.

9 (2) [By July 15, 2019, and by January first annually,  
10 each unaccredited district shall report to the department of  
11 elementary and secondary education or its designee the  
12 number of available enrollment slots in the schools of its  
13 district that have received annual performance report scores  
14 consistent with a classification of accredited.

15 (3) By July 15, [2019] **2027**, and by [January first  
16 annually] **the first day of each month thereafter**, each  
17 [approved] charter school [that is eligible to receive  
18 transfer students under section 167.895] shall report to the  
19 department of elementary and secondary education or its

20 designee the number of available enrollment slots **by grade**  
21 **level.**

22         2. The department of elementary and secondary  
23 education or its designee shall make information and  
24 assistance available to parents or guardians who intend to  
25 transfer their child to **[an accredited] a receiving** district  
26 or **[to an approved]** charter school as described under  
27 section 167.895.

28         3. The parent or guardian of a student who intends to  
29 transfer his or her child to **[an accredited] a receiving**  
30 district or **[to an approved]** charter school as described  
31 under section 167.895 for enrollment in that district or  
32 charter school in any school year after the **[2019-20] 2026-**  
33 **27** school year shall send initial notification to the  
34 department of elementary and secondary education or its  
35 designee by **[March first for enrollment in the subsequent**  
36 **school year] August 1, 2027, and by the first day of each**  
37 **month thereafter, for enrollment in any subsequent month.**

38         4. The department of elementary and secondary  
39 education or its designee shall assign those students who  
40 seek to transfer to **[an accredited] a receiving** district or  
41 **[to an approved]** charter school as described under section  
42 167.895. When assigning transfer students to **[approved]**  
43 charter schools, the department of elementary and secondary  
44 education or its designee shall coordinate with each  
45 **[approved]** charter school and its admissions process if  
46 capacity is insufficient to enroll all students who submit a  
47 timely application. **[An approved] A** charter school shall  
48 not be required to institute a lottery procedure for  
49 determining the admission of resident students. The  
50 department of elementary and secondary education or its  
51 designee shall give first priority to students who live in

52 the same household with any family member within the first  
53 or second degree of consanguinity or affinity who already  
54 attends a school with an annual performance report score  
55 consistent with a classification of accredited and who apply  
56 to attend the same school. If insufficient grade-  
57 appropriate enrollment slots are available for a student to  
58 be able to transfer, the student shall receive first  
59 priority the following [school year] month. The department  
60 of elementary and secondary education or its designee shall  
61 consider the following factors in assigning school districts  
62 and charter schools:

- 63 (1) The student's or parent's choice of the receiving  
64 school district or charter school;
- 65 (2) The best interests of the student;
- 66 (3) The availability of transportation funding, as  
67 provided under section 167.241; and
- 68 (4) Distance and travel time to a receiving school.

69 The department of elementary and secondary education or its  
70 designee shall not consider student academic performance,  
71 free and reduced price lunch status, or athletic ability in  
72 assigning a student to a school. The parent or guardian may  
73 make an application for a specific building assignment  
74 within the district or [approved] charter school. Final  
75 building assignment shall be determined by the receiving  
76 school district or [approved] charter school.

77 5. (1) The department of elementary and secondary  
78 education or its designee may deny a transfer to a student  
79 who in the most recent school year has been suspended from  
80 school two or more times or who has been suspended for an  
81 act of school violence under subsection 2 of section  
82 160.261. A student whose transfer is initially precluded

83 under this subsection may be permitted to transfer on a  
84 provisional basis as a probationary transfer student,  
85 subject to no further disruptive behavior, upon a statement  
86 from the student's current school that the student is not  
87 disruptive. A student who is denied a transfer under this  
88 subsection has the right to an in-person meeting with an  
89 employee of the department of elementary and secondary  
90 education or its designee.

91 (2) The department of elementary and secondary  
92 education shall promulgate rules to provide common standards  
93 for determining disruptive behavior that shall include, but  
94 not be limited to, criteria under section 160.261. Any rule  
95 or portion of a rule, as that term is defined in section  
96 536.010, that is created under the authority delegated in  
97 this section shall become effective only if it complies with  
98 and is subject to all of the provisions of chapter 536 and,  
99 if applicable, section 536.028. This section and chapter  
100 536 are nonseverable, and if any of the powers vested with  
101 the general assembly pursuant to chapter 536 to review, to  
102 delay the effective date, or to disapprove and annul a rule  
103 are subsequently held unconstitutional, then the grant of  
104 rulemaking authority and any rule proposed or adopted after  
105 August 28, 2019, shall be invalid and void.

2 [167.132. 1. For purposes of this  
section, the following terms mean:

3 (1) "Receiving approved charter school",  
4 an approved charter school, as defined under  
5 section 167.895, receiving transfer students  
6 under section 167.895;

7 (2) "Receiving district", a school  
8 district receiving transfer students under  
9 section 167.895;

10 (3) "Sending district", a school district  
11 from which students are transferring to a

12 receiving district or approved charter school,  
13 as allowed under section 167.895;  
14 (4) "State adequacy target", the same  
15 meaning given to the term under section 163.011.  
16 2. Notwithstanding any other provision of  
17 law, the tuition rate paid by a sending district  
18 to the receiving district or the receiving  
19 approved charter school for transfer students  
20 shall be the lesser of:  
21 (1) The tuition rate set by the receiving  
22 district or the receiving approved charter  
23 school under the policy adopted in accordance  
24 with section 167.895; or  
25 (2) The state adequacy target plus the  
26 average sum produced per child by the local tax  
27 effort above the state adequacy target of the  
28 sending district.]

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