

FIRST REGULAR SESSION

HOUSE BILL NO. 253

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT.

0526H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 163.161, 167.020, and 167.151, RSMo, and to enact in lieu thereof twelve new sections relating to admission of nonresident pupils.

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

Section A. Sections 163.161, 167.020, and 167.151, RSMo, are repealed and twelve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

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

12 2. The state board of education shall determine public school district route approval
13 procedures to be used by each public school district board of education to approve all bus
14 routes or portions of routes and determine the total miles each public school district needs for
15 safe and cost-efficient transportation of the pupils and the state board of education shall

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 determine allowable costs. No state aid shall be paid for the costs of transporting pupils
17 living less than one mile from the school. However, if the state board of education determines
18 that circumstances exist where no appreciable additional expenses are incurred in transporting
19 pupils living less than one mile from school, such pupils may be transported without
20 increasing or diminishing the district's entitlement to state aid for transportation.

21 3. State aid for transporting handicapped and severely handicapped students attending
22 classes within the school district or in a nearby district under a contractual arrangement shall
23 be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-
24 five percent of the additional cost of transporting handicapped and severely handicapped
25 students above the average per pupil cost of transporting all students of the district shall be
26 apportioned pursuant to section 163.031 where such special transportation is approved in
27 advance by the department of elementary and secondary education. State aid for
28 transportation of handicapped and severely handicapped children in a special school
29 district shall be seventy-five percent of allowable costs as determined by the state board of
30 education which may for sufficient reason authorize amounts in excess of one hundred
31 twenty-five percent of the state average approved cost per pupil transported the second
32 previous year. In no event shall state transportation aid exceed seventy-five percent of the
33 total allowable cost of transporting all pupils eligible to be transported; provided that no
34 district shall receive reduced reimbursement for costs of transportation of handicapped and
35 severely handicapped children based upon inefficiency.

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

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

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

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

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

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

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

14 2. **(1)** In order to register a pupil, the **pupil or the** parent or legal guardian of the
15 pupil ~~[or the pupil himself or herself]~~ shall provide, at the time of registration, one of the
16 following:

17 ~~[(1)]~~ **(a)** Proof of residency in the district. Except as otherwise provided in section
18 167.151, the term "residency" shall mean that a person both physically resides within a school
19 district and is domiciled within that district or, in the case of a private school student
20 suspected of having a disability under the Individuals With Disabilities Education Act, 20
21 U.S.C. Section ~~[442,]~~ **1411** et seq., **as amended**, that the student attends private school
22 within that district. The domicile of a minor child shall be the domicile of a parent, military
23 guardian pursuant to a military-issued guardianship or court-appointed legal guardian. For
24 instances in which the family of a student living in Missouri co-locates to live with other
25 family members or live in a military family support community because one or both of the
26 child's parents are stationed or deployed out of state or deployed within Missouri under active
27 duty orders under Title 10 or Title 32 of the United States Code, the student may attend the
28 school district in which the family member's residence or family support community is
29 located. If the active duty orders expire during the school year, the student may finish the
30 school year in that district;

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

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

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

39 3. Any person subject to the requirements of subsection 2 of this section may request
40 a waiver from the district board of any of those requirements on the basis of hardship or good
41 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause
42 for the issuance of a waiver of the requirements of subsection 2 of this section. The district
43 board or committee of the board appointed by the president and which shall have full
44 authority to act in lieu of the board shall convene a hearing as soon as possible, but no later
45 than forty-five days after receipt of the waiver request made under this subsection or the
46 waiver request shall be granted. The district board or committee of the board may grant the

47 request for a waiver of any requirement of subsection 2 of this section. The district board or
48 committee of the board may also reject the request for a waiver in which case the pupil shall
49 not be allowed to register. Any person aggrieved by a decision of a district board or
50 committee of the board on a request for a waiver under this subsection may appeal such
51 decision to the circuit court in the county where the school district is located.

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

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

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

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

82 8. If one or both of a child's parents are being relocated to the state of Missouri under
83 military orders, a school district shall allow remote registration of the student and shall not

84 require the **student or the** parent or legal guardian of the student [~~or the student himself or~~
85 ~~herself~~] to physically appear at a location within the district to register the student. Proof of
86 residency, as described in this section, shall not be required at the time of the remote
87 registration but shall be required within ten days of the student's attendance in the school
88 district.

167.151. 1. The school board of any district, in its discretion, may admit to the school
2 pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except
3 as provided in subdivision (2) of subsection 3 of this section [~~and in~~]; sections 167.121,
4 167.131, 167.132, and 167.895; **and sections 167.1200 to 167.1230.**

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

9 3. (1) For all school years ending on or before June 30, 2023, any individual who
10 pays a school tax in any other district than that in which such individual resides may send
11 such individual's children to any public school in the district in which the tax is paid and
12 receive as a credit on the amount charged for tuition the amount of the school tax paid to the
13 district; except that any individual who owns real estate of which eighty acres or more are
14 used for agricultural purposes and upon which such individual's residence is situated may
15 send such individual's children to public school in any school district in which a part of such
16 real estate, contiguous to that upon which such individual's residence is situated, lies and shall
17 not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the
18 school district of choice. The school district of choice shall count the children in its average
19 daily attendance for the purpose of distribution of state aid through the foundation formula.

20 (2) For all school years beginning on or after July 1, 2023, any current owner of
21 residential real property or agricultural real property or a named beneficiary of a trust that
22 currently owns residential real property or agricultural real property and that pays a school tax
23 in a district or districts other than the district in which such current owner or current
24 beneficiary resides may send up to four of such owner's or beneficiary's children to a public
25 school, excluding a charter school, in any district in which such owner or trust pays such
26 school tax. For purposes of this subdivision, "residential real property" shall not include any
27 multifamily residential property which exceeds four units. An owner or a named beneficiary
28 of a trust that currently owns residential real property shall not be permitted under this
29 subdivision to send their child to a district outside of the county in which they currently
30 reside. Such owner or beneficiary shall send thirty days' written notice to all school districts
31 involved specifying which school district each child will attend. Such owner or beneficiary
32 shall also present proof of the owner's or trust's annual payment of at least two thousand

33 dollars of school taxes levied on the real property specified in this subdivision within such
34 school district and ownership of the specified real property for not less than the immediately
35 preceding four consecutive years. Neither the resident nor nonresident districts shall be
36 responsible for providing transportation services under this subdivision. The school district
37 attended shall count a child attending under this subdivision in its average daily attendance
38 for the purpose of distribution of state aid under chapter 163, except that such nonresident
39 students shall not be counted in the district's average daily attendance for the purposes of
40 determining eligibility for aid payments under section 163.044.

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

52 5. If a pupil is attending school in a district other than the district of residence and the
53 pupil's parent is teaching in the school district or is a regular employee of the school district
54 which the pupil is attending, then the district in which the pupil attends school shall allow the
55 pupil to attend school upon payment of tuition in the same manner in which the district allows
56 other pupils not entitled to free instruction to attend school in the district. The provisions of
57 this subsection shall apply only to pupils attending school in a district which has an
58 enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils
59 and which district is located in a county with a charter form of government which has a
60 population in excess of six hundred thousand persons and not in excess of nine hundred
61 thousand persons.

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

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

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

5 **(2) "Diversity plan", a plan that is voluntarily adopted by a local school board to**
6 **promote diversity, avoid creating a school district that is near or at one hundred percent**
7 **minority enrollment, and encourage continued desegregation to expose students to**
8 **racially and culturally diverse environments in an urban area;**

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

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

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

18 (6) "Resident district", the school district in which the transferring student
19 resides or, in the case of a transferring student who is subject to joint legal custody or
20 joint physical custody awarded by a court, the residence designated as the address of the
21 student for educational purposes;

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

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

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

30 (10) "Transferring student", a child beginning kindergarten in the child's
31 resident district or a public school student in kindergarten to grade twelve who
32 immediately prior to transferring has been enrolled in and completed a full semester in
33 a public school in the student's resident district and who transfers to a nonresident
34 district through a public school open enrollment program under sections 167.1200 to
35 167.1230;

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

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

6 (1) Increasing parental involvement for students whose parents work in other
7 school districts;

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

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

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

14 **(2) (a) Each school district shall, before December first of each year, indicate**
15 **whether the district will participate in the public school open enrollment program**
16 **created in sections 167.1200 to 167.1230 in the school year beginning on July first of the**
17 **following year.**

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

21 **(3) This subsection shall not be construed to prevent any student in a**
22 **nonparticipating school district from transferring out of the nonparticipating district to**
23 **a participating district as a transferring student.**

24 **(4) (a) For all school years beginning on or after July 1, 2024, but ending before**
25 **July 1, 2028, a district may restrict the number of students who may transfer to a**
26 **nonresident district under sections 167.1200 to 167.1230 in each school year to a**
27 **maximum of four percent of the previous school year's enrollment for the district.**

28 **(b) For the 2024-25 and 2025-26 school years, a provisionally accredited district**
29 **with a school population of enrolled students between four thousand five hundred and**
30 **five thousand five hundred and that is located in a county with more than seven**
31 **hundred thousand but fewer than eight hundred thousand inhabitants may restrict the**
32 **number of students who may transfer to a nonresident district under sections 167.1200**
33 **to 167.1230.**

34 **3. (1) Sections 167.1200 to 167.1230 shall not be construed to require a school**
35 **district to add teachers, staff, or classrooms or to in any way exceed the requirements**
36 **and standards established by existing law or the nonresident district.**

37 **(2) Sections 167.1200 to 167.1230 shall not be construed to require a school**
38 **district to provide special educational services for children with disabilities who are**
39 **three years of age or older and who do not reside in the school district under section**
40 **162.700 if the nonresident district determines, as provided in the nonresident district's**
41 **model policy adopted under subsection 4 of this section, that the school district is unable**
42 **to provide appropriate special educational services as required under section 162.700**
43 **for a child with disabilities seeking a transfer under sections 167.1200 to 167.1230. The**
44 **determination shall be made by the nonresident district after consultation with the**

45 child's resident district and any local public, private, and not-for-profit agencies that
46 provide services for children with disabilities. The nonresident district shall make the
47 determination before approving an application for a transfer under sections 167.1200 to
48 167.1230. If a determination is required under this subdivision, the child seeking the
49 transfer shall remain enrolled in the child's resident district until such determination
50 becomes final.

51 4. (1) The department or another entity skilled in policy development shall
52 develop a model policy for determining the number of transfers available under section
53 167.1215 and establishing specific standards for acceptance and rejection of transfer
54 applications under section 167.1230. Regardless of whether a school district
55 participates in the public school open enrollment program, the board of education of
56 each school district shall, by resolution, adopt the model policy with any changes
57 necessary for a particular district's needs.

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

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

- 63 (a) The capacity of a school building, grade level, class, or program;
- 64 (b) The availability of classroom space in each school building;
- 65 (c) Any class-size limitation;
- 66 (d) The ratio of students to classroom teachers;
- 67 (e) The district's projected enrollment; and
- 68 (f) Any characteristics of specific programs affected by additional or fewer
69 students attending because of transfers under the public school open enrollment
70 program.

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

- 74 (a) Is already enrolled in the nonresident district; or
- 75 (b) Has made an application for enrollment in the same nonresident district.

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

- 78 (a) Academic achievement;
- 79 (b) Athletic or other extracurricular ability;
- 80 (c) Disabilities;
- 81 (d) English proficiency level; or

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

84 (6) A school district receiving transferring students shall not discriminate on the
85 basis of gender, national origin, race, ethnicity, ancestry, religion, disability, or whether
86 the student is homeless or a migrant.

87 5. A nonresident district shall:

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

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

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

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

96 (2) Application deadline; and

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

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

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

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

114 10. (1) As used in this subsection, "school days of enrollment" does not include
115 enrollment in summer school, and "varsity" means the highest level of competition
116 offered by one school or school district against the highest level of competition offered
117 by an opposing school or school district.

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

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

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

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

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

132 **b. If a student transfers schools under circumstances that do not meet the**
133 **requirements under sections 167.1200 to 167.1230, such student may be granted**
134 **eligibility to participate in interscholastic athletics as hereinafter restricted if the student**
135 **qualifies under the following terms and conditions:**

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

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

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

153 **(b) Nothing in this section or section 167.1210 shall prevent a statewide athletic**
154 **association that provides oversight for athletic or activity eligibility for students from**

155 imposing a stricter penalty upon any transferring student who is determined to have
156 been unduly influenced to participate in or not to participate in the public school open
157 enrollment program outlined in sections 167.1200 to 167.1230.

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

4 2. (1) A student who accepts a public school open enrollment program transfer
5 to a nonresident district shall commit to attend and take all courses through the
6 nonresident district for at least one school year. At least one course per semester shall
7 be delivered by the nonresident district in-seat.

8 (2) If a transferring student returns to the student's resident district, the
9 student's transfer shall be void and the student shall reapply if the student seeks a future
10 public school open enrollment program transfer. No transferring student who returns
11 to the student's resident district shall reapply for a future transfer under this
12 subdivision until after the student has been enrolled in and completed a full school
13 semester in a public school in the student's resident district.

14 3. (1) Except as otherwise provided in this subsection, a transferring student
15 attending school in a nonresident district may complete all remaining school years in the
16 nonresident district without reapplying each school year.

17 (2) A sibling of a transferring student who continues enrollment in a nonresident
18 district may enroll in or continue enrollment in that nonresident district if the district
19 has the capacity to accept the sibling without adding teachers, staff, or classrooms or
20 exceeding the regulations and standards established by law or the policy of the
21 nonresident district and the sibling has no discipline issues as described in section
22 167.1205.

23 4. Except for a transferring student with a socioeconomic status that qualifies
24 the student for transportation costs reimbursement under subsection 6 of this section,
25 the transferring student or the student's parent is responsible for the transportation of
26 the student to and from the school in the nonresident district where the student is
27 enrolled, except that the nonresident district may enter into an agreement with the
28 student's parent that the parent may transport the student to an existing bus stop
29 location convenient to the school district if the school district has capacity available on a
30 bus serving that location. If transportation is a related service on a student's
31 individualized education program (IEP) and the student is a participant in the public
32 school open enrollment transfer program, the nonresident district shall not be required
33 to provide such transportation as a related service under the IEP if the nonresident
34 district and the student's parent have entered into an agreement under this subsection.

35 Such agreement shall contain a statement that the parent is waiving the transportation
36 as a related service under the student's IEP.

37 **5. Notwithstanding the provisions of chapter 163 or federal calculations of**
38 **military impact aid to the contrary, for the purposes of determining state and federal**
39 **aid, a transferring student shall be counted as a resident pupil of the nonresident district**
40 **in which the student is enrolled.**

41 **6. (1) Any transferring student who qualifies for free and reduced price meals**
42 **under federal guidelines and transfers to any nonresident district sharing a border with**
43 **the student's resident district shall be offered transportation services provided by the**
44 **nonresident district or may choose to be reimbursed by the parent public school choice**
45 **fund established in section 167.1212 for the costs of transportation of the student as**
46 **provided in this subsection.**

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

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

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

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

53 **(3) The transferring student or the student's parent shall keep a record of each**
54 **instance of transporting the transferring student to and from the nonresident district's**
55 **nearest existing bus stop location. Such record may be verified by the nonresident**
56 **district's attendance records or in a similar manner as established by board policy.**

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

59 **(5) Any such transferring student who transfers to any nonresident district that**
60 **does not share a border with the student's resident district shall not receive the**
61 **transportation reimbursement provided under this subsection.**

62 **(6) The provisions of this subsection shall not be construed to require a**
63 **nonresident district to offer transportation services if the transportation would**
64 **constitute a transportation hardship under section 167.121.**

65 **(7) Nonresident districts providing transportation services under this subsection**
66 **may partner or contract with the resident district or a third-party transportation**
67 **provider, or both, in providing transportation and shall also be reimbursed by the**
68 **parent public school choice fund established in section 167.1212 for the costs of**
69 **transportation of the student as provided under this subsection.**

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

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

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

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

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

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

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

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

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

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

12 **3. (1) Each school district shall develop a method for the formation and**
13 **operation of a waiting list for applications that cannot be accepted because the number**
14 **of transfers applied for exceeds the number of transfers available.**

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

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

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

19 **(c) Children of school district employees;**

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

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

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

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

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

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

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

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

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

17 **4. The superintendent of the nonresident district may accept an application. If**
18 **the superintendent rejects an application, the superintendent shall present the rejected**
19 **application with the superintendent's reasons for the rejection to the school board.**

20 **5. (1) As used in this subsection, "good cause" means:**

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

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

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

24 **(d) A guardianship or custody proceeding;**

25 **(e) Placement in foster care;**

26 **(f) Adoption;**

27 **(g) Participation in a foreign exchange program;**

28 **(h) Participation in a substance abuse or mental health treatment program;**

29 **(i) A change in the status of a student's resident district such as removal of**
30 **accreditation by the department, surrender of accreditation, or permanent closure of a**
31 **nonpublic school; or**

32 **(j) Revocation of a charter school contract as provided in state law.**

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

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

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

52 **(5) The commissioner of education or the commissioner's designee shall attempt**
53 **to mediate the dispute to reach approval by both school boards. If approval is not**

54 reached under mediation, the commissioner shall conduct a hearing and shall hear
55 testimony from both school boards. Within ten days following the hearing, the
56 commissioner shall render a decision upholding or reversing the decision by the school
57 board of the receiving district. Within five days after the commissioner's decision, the
58 school board may appeal the decision of the commissioner to the state board of
59 education as provided in state law.

60 **6. (1) Before April first of the school year before the school year in which the**
61 **student seeks to enroll in a nonresident district under sections 167.1200 to 167.1230, the**
62 **nonresident district's superintendent shall notify the parent and the resident district, in**
63 **writing, as to whether the student's application has been accepted or rejected. The**
64 **notification shall be sent by first-class mail to the address on the application.**

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

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

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

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

73 **(4) If the application is accepted, the nonresident district's superintendent shall**
74 **notify the resident district and the department of the student's participation and shall**
75 **also notify the student and the student's parent of the opportunity to participate in an**
76 **anonymous survey provided by the department regarding all reasons for the student's**
77 **and parent's interest in participating in the public school open enrollment program.**

78 **(5) The department shall publish an annual report based on the anonymous**
79 **survey conducted under subdivision (4) of this subsection, at the statewide and district**
80 **levels, that provides data at the statewide and district levels of sufficient detail to allow**
81 **analysis of trends regarding the reasons for participation in the public school open**
82 **enrollment program at the statewide, regional, and local district levels. In such annual**
83 **report, the department shall also include data at the statewide and district levels of**
84 **sufficient detail to allow detection and analysis of the impact of the public school open**
85 **enrollment program on racial, ethnic, and socio-economic balance among schools and**
86 **districts at the statewide, regional, and local district levels. No such survey results**
87 **published under this subsection shall be published in a manner that reveals information**
88 **regarding a group of five or fewer students.**

167.1225. 1. If sections 167.1200 to 167.1230 conflict with a provision of an
2 **enforceable desegregation court order, a district's court-approved desegregation plan**

3 regarding the effects of past racial segregation in student assignment, or a district's
4 diversity plan, the provisions of the order or plan shall govern.

5 2. (1) A school district may annually declare an exemption from sections
6 167.1200 to 167.1230 if the school district is subject to a desegregation order or mandate
7 of a federal court or agency remedying the effects of past racial segregation or a
8 settlement agreement remedying the effects of past racial segregation or has adopted a
9 diversity plan.

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

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

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

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

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

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

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

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

34 4. (1) Any student who transfers to a nonresident district under section 167.131,
35 sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230
36 shall not be subject to any requirements under sections 167.1200 to 167.1230.

37 (2) Districts receiving transfer students or sending transfer students to
38 nonresident districts under section 167.131, sections 162.1040 to 162.1061, or any

39 section other than sections 167.1200 to 167.1230 shall not be subject to any requirements
40 under sections 167.1200 to 167.1230 for those transfer students.

41 5. (1) A student transferring to a nonresident district under sections 167.1200 to
42 167.1230 shall not be considered a transfer student under any law relating to another
43 transfer program or procedure that allows students to transfer out of their resident
44 districts.

45 (2) This subdivision shall apply only to students enrolled in a resident district
46 that does not offer education in a grade higher than grade eight as follows:

47 (a) Such student shall enroll in such nonresident district under sections 167.1200
48 to 167.1230 before the end of such student's fifth-grade year; and

49 (b) Such student who does not enroll in such nonresident district before the end
50 of such student's fifth-grade year may transfer to such nonresident district under
51 sections 167.1200 to 167.1230 but such student's resident district shall pay tuition to
52 such nonresident district and follow all other procedures as if such student transferred
53 under section 167.131 when such student enters grade nine.

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

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

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

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

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

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

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

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

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

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

28 10. (1) The department shall collect data from school districts on the number of
29 applications for student transfers under sections 167.1200 to 167.1230 and study the
30 effects of public school open enrollment program transfers under sections 167.1200 to
31 167.1230. The department shall consider, as part of its study, the maximum number of
32 transfers and exemptions for both resident and nonresident districts for up to two years
33 to determine if a significant racially segregative impact has occurred to any school
34 district.

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

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

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

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

43 11. The department shall annually make a random selection of ten percent of the
44 school districts participating in the public school open enrollment program under
45 sections 167.1200 to 167.1230. The department shall audit each selected school district's
46 transfers approved or denied under policies adopted by the school board under sections
47 167.1200 to 167.1230. If the department determines that a selected school district is
48 improperly implementing and administering the transfer process established under
49 sections 167.1200 to 167.1230, the department may withhold any state aid provided to
50 the school district under chapter 163 until the school district corrects the transfer
51 process improprieties identified by the department's audit.

52 12. Sections 167.1200 to 167.1230 shall apply beginning July 1, 2024.

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