

FIRST REGULAR SESSION

# HOUSE BILL NO. 543

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLITT (52).

0094H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

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

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

Section A. Sections 167.020 and 167.151, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 167.020, 167.151, 167.1200, 167.1205, 167.1210, 167.1211, 167.1212, 167.1215,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

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

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

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

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

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

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

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           ~~[(1)]~~ (a) Proof of residency in the district. Except as otherwise provided in section  
17 167.151, the term "residency" shall mean that a person both physically resides within a school  
18 district and is domiciled within that district or, in the case of a private school student suspected  
19 of having a disability under the Individuals with Disabilities Education Act, 20 U.S.C. Section  
20 ~~[1412,]~~ 1411 et seq., **as amended**, that the student attends private school within that district. The  
21 domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a  
22 military-issued guardianship or court-appointed legal guardian. For instances in which the  
23 family of a student living in Missouri co-locates to live with other family members or live in a  
24 military family support community because one or both of the child's parents are stationed or  
25 deployed out of state or deployed within Missouri under active duty orders under Title 10 or Title  
26 32 of the United States Code, the student may attend the school district in which the family  
27 member's residence or family support community is located. If the active duty orders expire  
28 during the school year, the student may finish the school year in that district;

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

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

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

37           3. Any person subject to the requirements of subsection 2 of this section may request a  
38 waiver from the district board of any of those requirements on the basis of hardship or good  
39 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause  
40 for the issuance of a waiver of the requirements of subsection 2 of this section. The district  
41 board or committee of the board appointed by the president and which shall have full authority  
42 to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five  
43 days after receipt of the waiver request made under this subsection or the waiver request shall  
44 be granted. The district board or committee of the board may grant the request for a waiver of  
45 any requirement of subsection 2 of this section. The district board or committee of the board  
46 may also reject the request for a waiver in which case the pupil shall not be allowed to register.  
47 Any person aggrieved by a decision of a district board or committee of the board on a request  
48 for a waiver under this subsection may appeal such decision to the circuit court in the county  
49 where the school district is located.

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

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

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

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

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

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

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

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

19           4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the  
20 option of sending ~~his~~ **the person's** children to the public schools of more than one district shall  
21 exercise such option as provided in this subsection. Such person shall send written notice to all  
22 school districts involved specifying to which school district ~~his~~ **the person's** children will  
23 attend by June thirtieth in which such a school year begins. If notification is not received, such  
24 children shall attend the school in which the majority of ~~his~~ **the person's** property lies. Such  
25 person shall not send any of ~~his~~ **the person's** children to the public schools of any district other  
26 than the one to which ~~he~~ **the person** has sent notice pursuant to this subsection in that school  
27 year or in which the majority of ~~his~~ **the person's** property lies without paying tuition to such  
28 school district.

29           5. If a pupil is attending school in a district other than the district of residence and the  
30 pupil's parent is teaching in the school district or is a regular employee of the school district  
31 which the pupil is attending, then the district in which the pupil attends school shall allow the  
32 pupil to attend school upon payment of tuition in the same manner in which the district allows  
33 other pupils not entitled to free instruction to attend school in the district. The provisions of this  
34 subsection shall apply only to pupils attending school in a district which has an enrollment in  
35 excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district  
36 is located in a county ~~[of the first classification]~~ with a charter form of government which has  
37 a population in excess of six hundred thousand persons and not in excess of nine hundred  
38 thousand persons.

**167.1200. 1. Sections 167.1200 to 167.1230 shall be known and may be cited as the**  
2 **"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" or "voluntary diversity plan", a plan that is voluntarily**  
6 **adopted by a local school board to promote diversity and to avoid minority student**  
7 **isolation in the district;**
- 8           **(3) "Local effort", the same meaning as used in section 163.011;**
- 9           **(4) "Nonresident district", a school district other than a transferring student's**  
10 **resident district;**
- 11           **(5) "Nonresident local revenue", the nonresident district's average sum produced**  
12 **per child by the local effort taxes for the transfer year;**
- 13           **(6) "Parent", a transferring student's parent, guardian, or other person having**  
14 **custody or care of the student;**
- 15           **(7) "Public school", any school for elementary or secondary education that is**  
16 **supported and maintained from public funds and is conducted and operated within this**  
17 **state under the authority and supervision of a duly elected local board of education of the**  
18 **school district or a special administrative board appointed by the state board of education**  
19 **under section 162.081;**
- 20           **(8) "Resident district", the school district in which the transferring student resides;**
- 21           **(9) "Resident local revenue", the resident district's average sum produced per child**  
22 **by the local effort taxes for the transfer year;**
- 23           **(10) "Sibling", each of two or more children having a parent in common by blood,**  
24 **adoption, marriage, or foster care;**
- 25           **(11) "Socioeconomic status", the income level of a student or the student's family,**  
26 **which shall be measured by whether a student or the student's family meets the financial**  
27 **eligibility criteria for free and reduced price meals offered under federal guidelines;**
- 28           **(12) "State adequacy target", the same meaning as used in section 163.011;**
- 29           **(13) "Superintendent", the superintendent of a school district or the**  
30 **superintendent's designee;**
- 31           **(14) "Transferring student", a child beginning kindergarten in the child's resident**  
32 **district or a public school student in kindergarten to grade twelve who has been enrolled**  
33 **in and completed a full semester in a public school in the student's resident district and**  
34 **who transfers to a nonresident district through a public school open enrollment program**  
35 **under sections 167.1200 to 167.1230;**
- 36           **(15) "Transfer year", the school year in which a transferring student attends school**  
37 **in a nonresident district.**

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

2. School districts described in sections 162.670 to 162.999 shall not be required to participate in the public school open enrollment program. Each school district except districts described in sections 162.670 to 162.999 shall, on or before February first of each year, indicate whether the district will participate in the public school open enrollment program created in sections 167.1200 to 167.1230 in the school year beginning on July first of the same year. If a school district participates in the public school open enrollment program, the district shall receive transferring students for the full school year in which the district participates. This subsection shall not be construed to prevent any student in a nonparticipating school district from transferring out of the nonparticipating district to a participating district as a transferring student.

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

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

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

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

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

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

- 37           **(a) Is already enrolled in the nonresident district; or**  
38           **(b) Has made an application for enrollment in the same nonresident district.**  
39           **(5) The specific standards for acceptance and rejection of transfer applications**  
40 **shall not include an applicant's:**  
41           **(a) Academic achievement;**  
42           **(b) Athletic or other extracurricular ability;**  
43           **(c) Disabilities;**  
44           **(d) English proficiency level; or**  
45           **(e) Previous disciplinary proceedings; except that, any suspension or expulsion**  
46 **from another district shall be included.**  
47           **(6) A school district receiving transferring students shall not discriminate on the**  
48 **basis of gender, national origin, race, ethnicity, religion, or disability.**  
49           **5. A nonresident district shall:**  
50           **(1) Accept credits toward graduation that were awarded by another district to a**  
51 **transferring student; and**  
52           **(2) Award a diploma to a transferring student if the student meets the nonresident**  
53 **district's graduation requirements.**  
54           **6. The superintendent shall cause the information about the public school open**  
55 **enrollment program to be posted on the district website and in the student handbook to**  
56 **inform parents of students of the:**  
57           **(1) Availability of the program established under sections 167.1200 to 167.1230;**  
58           **(2) Application deadline; and**  
59           **(3) Requirements and procedures for resident and nonresident students to**  
60 **participate in the program.**  
61           **7. If a student wishes to attend a school within a nonresident district that is a**  
62 **magnet school, an academically selective school, or a school with a competitive entrance**  
63 **process that has admissions requirements, the student shall furnish proof that the student**  
64 **meets the admissions requirements in the application described under section 167.1220.**  
65           **8. A nonresident district may deny a transfer to a student who, in the most recent**  
66 **school year, has been suspended from school two or more times or who has been suspended**  
67 **for an act of school violence or expelled under subsection 2 of section 160.261. A student**  
68 **whose transfer is initially precluded under this subsection may be permitted to transfer on**  
69 **a provisional basis as a probationary transfer student, subject to no further disruptive**  
70 **behavior, upon approval of the nonresident district's superintendent.**  
71           **9. A student who is denied a transfer under this subsection has the right to an**  
72 **in-person meeting with the nonresident district's superintendent. The nonresident district**

73 shall develop common standards for determining disruptive behavior that shall include,  
74 but not be limited to, criteria under section 160.261.

75 10. Students shall not enroll in a nonresident district under sections 167.1200 to  
76 167.1230 in any school year before school year 2023-24.

77 11. (1) As used in this subsection, "school days of enrollment" does not include  
78 enrollment in summer school, and "varsity" means the highest level of competition offered  
79 by one school or school district against the highest level of competition offered by an  
80 opposing school or school district.

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

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

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

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

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

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

101 f. If the district of residence determines that the student was previously subject to  
102 an incident of bullying as defined in section 160.775 while attending school in the district  
103 of residence.

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



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

2. (1) A student who accepts a public school open enrollment program transfer to a nonresident district may return to the student's resident district during the school year.

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

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

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

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

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

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

39           **6. Any transferring student who qualifies for free and reduced price meals under**  
40 **federal guidelines and transfers to any nonresident district sharing a border with the**  
41 **student's resident district shall be reimbursed by the nonresident district for the costs of**  
42 **transportation of the student as provided in this subsection.**

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

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

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

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

49           **(2) The transferring student or the student's parent shall keep a record of each**  
50 **instance of transporting the transferring student to and from the nonresident district's**  
51 **nearest existing bus stop location. The nonresident district shall determine the information**  
52 **to be recorded by the student or the student's parent and the method of providing such**  
53 **record to the nonresident district.**

54           **(3) All reimbursements made under this subsection to a transferring student or the**  
55 **student's parent shall be made quarterly as determined by the nonresident district.**

56           **(4) Any nonresident district required to reimburse transportation costs under this**  
57 **subsection may request compensation as needed for such reimbursements from the parent**  
58 **public school choice fund established in section 167.1212.**

59           **7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any**  
60 **resident district of its responsibility to pay any costs required under section 162.705 or**  
61 **162.740.**

**167.1211. 1. Except as otherwise provided and except for transferring students**  
2 **requiring special educational services as defined in section 162.675, the nonresident district**  
3 **shall notify the transferring student's resident district of the nonresident local revenue.**  
4 **Upon receipt of such notice, the transferring student's resident district shall calculate the**  
5 **resident local revenue and transfer moneys as follows:**

6           **(1) If the resident local revenue is less than the nonresident local revenue, the**  
7 **resident district shall transfer to the nonresident district an amount equal to the resident**  
8 **local revenue except as limited by subsection 3 of this section; or**

9           **(2) If the resident local revenue is more than the nonresident local revenue, the**  
10 **resident district shall transfer:**

11           **(a) To the nonresident district an amount equal to the nonresident local revenue**  
12 **except as limited by subsection 3 of this section; and**

13           **(b) To the parent public school choice fund created in section 167.1212 an amount**  
14 **equal to the difference between the amount of the resident local revenue and the**  
15 **nonresident local revenue, except that no amount transferred to the fund under this**  
16 **paragraph shall exceed the state adequacy target per transferring student.**

17           **2. For transferring students requiring special educational services as defined in**  
18 **section 162.675, the nonresident district shall notify the transferring student's resident**  
19 **district of the nonresident local revenue. Upon receipt of such notice, the transferring**  
20 **student's resident district shall calculate the resident local revenue and transfer moneys**  
21 **as follows:**

22           **(1) If the resident local revenue is less than the nonresident local revenue, the**  
23 **resident district shall transfer to the nonresident district an amount equal to three times**  
24 **the amount of the resident local revenue except as limited by subsection 3 of this section;**  
25 **or**

26           **(2) If the resident local revenue is more than the nonresident local revenue, the**  
27 **resident district shall transfer:**

28           **(a) To the nonresident district an amount equal to three times the amount of the**  
29 **nonresident local revenue except as limited by subsection 3 of this section; and**

30           **(b) To the parent public school choice fund created in section 167.1212 an amount**  
31 **equal to the difference between the amount of the resident local revenue and the amount**  
32 **transferred to the nonresident district under paragraph (a) of this subdivision, except that**  
33 **no amount transferred to the fund under this paragraph shall exceed the state adequacy**  
34 **target per transferring student.**

35           **3. If a school district's local effort amount is less than the state adequacy target, the**  
36 **school district shall not be required to transfer more than ninety percent of the district's**  
37 **local effort amount under this section.**

38           **4. All transfers made under this subsection shall be made prior to the last business**  
39 **day in June of the current school year. If the transferring student's resident district fails**  
40 **to send such amount owed to the nonresident district prior to the last business day in June**  
41 **in the current school year, the department shall withhold such amount from the resident**  
42 **district's monthly distribution of revenues and send such amount to the nonresident**  
43 **district on or before August fifteenth.**

44           **6. No transfer of moneys shall be required or made from a resident district to a**  
45 **nonresident district for any transferring student who is entitled to free instruction without**  
46 **paying a tuition fee under any other provision of law.**

167.1212. 1. (1) There is hereby created in the state treasury the "Parent Public School Choice Fund", which shall consist of a one-time appropriation by the general assembly of sixty million dollars, any additional appropriations made by the general assembly, and moneys collected under sections 167.1200 to 167.1230. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in sections 167.1200 to 167.1230.

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

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

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

(5) Any nonresident district that receives a transferring student may request compensation from the fund as provided in this section.

2. If a transferring student transfers to a nonresident district and the amount of local effort moneys transferred from the resident district to the nonresident district is less than the state adequacy target amount, the nonresident district may request moneys from the fund in an amount equal to the difference between the state adequacy target amount and the amount of local effort moneys received from the transferring student's resident district.

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

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

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

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

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

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

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

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

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

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

23           **(2) A parent of a student on the waiting list shall be informed by the district of the**  
24 **details of the operation of the list and whether the parent will be required to refile a timely**  
25 **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 April first of the calendar year in which the student seeks**  
7 **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 application.**

11           **3. A nonresident district shall review and make a determination on each application**  
12 **in the order in which the application was received by the nonresident district.**

13           **4. Before accepting or rejecting an application, a nonresident district shall**  
14 **determine whether one of the limitations under section 167.1225 applies to the application.**

15           **5. (1) As used in this subsection, "good cause" means:**

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

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

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

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

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

21           **(f) Adoption;**

- 22 (g) Participation in a foreign exchange program;
- 23 (h) Participation in a substance abuse or mental health treatment program;
- 24 (i) A change in the status of a student's resident district such as removal of  
25 accreditation by the department, surrender of accreditation, or permanent closure of a  
26 nonpublic school; or
- 27 (j) Revocation of a charter school contract as provided in state law.
- 28 (2) After April first of the preceding school year and before October first or the  
29 first Monday in October if October first falls on a Saturday or Sunday, the parent shall  
30 send notification to the district of residence and the receiving district, on forms prescribed  
31 by the state board of education, that good cause exists for failure to meet the April first  
32 deadline. The school board of a receiving district may adopt a policy granting the  
33 superintendent the authority to approve open enrollment applications submitted after the  
34 April first deadline. The school board of the receiving district shall take action to approve  
35 the request if good cause exists. If the request is granted, the school board shall transmit  
36 a copy of the form to the parent and the district of residence within five days after school  
37 board action. A denial of a request by the board of a receiving district is not subject to  
38 appeal.
- 39 (3) If the good cause relates to a change in status of a student's school district of  
40 residence, action by a parent shall be taken to file the notification within forty-five days of  
41 the last school board action or within thirty days of the certification of the election,  
42 whichever is applicable to the circumstances.
- 43 (4) If a resident district believes that a receiving district is violating this subsection,  
44 the resident district may, within fifteen days after school board action by the receiving  
45 district, submit an appeal to the commissioner of education.
- 46 (5) The commissioner of education shall attempt to mediate the dispute to reach  
47 approval by both school boards. If approval is not reached under mediation, the  
48 commissioner shall conduct a hearing and shall hear testimony from both school boards.  
49 Within ten days following the hearing, the commissioner shall render a decision upholding  
50 or reversing the decision by the school board of the receiving district. Within five days of  
51 the commissioner's decision, the school board may appeal the decision of the commissioner  
52 to the state board of education as provided in state law.
- 53 6. (1) Before July first of the school year in which the student seeks to enroll in a  
54 nonresident district under sections 167.1200 to 167.1230, the nonresident district's  
55 superintendent shall notify the parent and the resident district, in writing, as to whether  
56 the student's application has been accepted or rejected. The notification shall be sent by  
57 first-class mail to the address on the application.

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

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

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

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

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

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

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

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

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

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

20           **(b) Resume participation after a period of exemption.**

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

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

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

33           **4. (1) Any student who transfers to a nonresident district under section 167.131,**  
34 **sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230 shall**  
35 **not be subject to any requirements under sections 167.1200 to 167.1230.**

36           **(2) Districts receiving transfer students or sending transfer students to nonresident**  
37 **districts under section 167.131, sections 162.1040 to 162.1061, or any section other than**  
38 **sections 167.1200 to 167.1230 shall not be subject to any requirements under sections**  
39 **167.1200 to 167.1230 for those transfer students.**

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

**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 later**  
5 **than ten calendar days, excluding weekends and legal holidays, after the student or the**  
6 **student's parent receives a notice of rejection of the application under section 167.1220.**

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

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

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

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

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



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

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

27           **10. (1) The department shall collect data from school districts on the number of**  
28 **applications for student transfers under sections 167.1200 to 167.1230 and study the effects**  
29 **of public school open enrollment program transfers under sections 167.1200 to 167.1230.**  
30 **The department shall consider, as part of its study, the maximum number of transfers and**  
31 **exemptions for both resident and nonresident districts for up to two years to determine if**  
32 **a significant racially segregative impact has occurred to any school district.**

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

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

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

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

          Section B. The enactment of sections 167.1200, 167.1205, 167.1210, 167.1211,  
2 167.1212, 167.1215, 167.1220, 167.1225, and 167.1230 and the repeal and reenactment of  
3 sections 167.020 and 167.151 of this act shall become effective July 1, 2022.

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