

FIRST REGULAR SESSION
[REPERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 543
101ST GENERAL ASSEMBLY

0094H.04R

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Section A. Sections 167.020 and 167.151, RSMo, are repealed and eleven new sections
2 enacted in lieu thereof, to be known as sections 167.020, 167.151, 167.1200, 167.1205,
3 167.1210, 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
2 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, bus
11 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.

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.

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

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~~ **section** 167.121, 167.131, 167.132, ~~and~~ 167.895, **and sections 167.1200**
4 **to 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. **(1) For all school years ending on or before June 30, 2022,** any person who pays
10 a school tax in any other district than that in which ~~he~~ **the person** resides may send ~~his~~ **the**
11 **person's** children to any public school in the district in which the tax is paid and receive as a
12 credit on the amount charged for tuition the amount of the school tax paid to the district; except
13 that any person who owns real estate of which eighty acres or more are used for agricultural
14 purposes and upon which ~~his~~ **the person's** residence is situated may send ~~his~~ **the person's**
15 children to public school in any school district in which a part of such real estate, contiguous to
16 that upon which ~~his~~ **the person's** residence is situated, lies and shall not be charged tuition
17 therefor; so long as thirty-five percent of the real estate is located in the school district of choice.
18 The school district of choice shall count the children in its average daily attendance for the
19 purpose of distribution of state aid through the foundation formula.

20 **(2) For all school years beginning on or after July 1, 2022, any person who owns**
21 **residential real property or agricultural real property and pays a school tax in any district**
22 **other than the district in which the person resides may send any of the person's children**
23 **to a public school in any district in which the person pays such school tax. The school**
24 **district of choice shall count a child attending under this subdivision in its average daily**
25 **attendance for the purpose of distribution of state aid through the foundation formula.**

26 4. **(1) For all school years ending on or before June 30, 2022,** any owner of
27 agricultural land who, ~~pursuant to~~ **under subdivision (1) of** subsection 3 of this section, has
28 the option of sending ~~his~~ **such person's** children to the public schools of more than one district
29 shall exercise such option as provided in this ~~subsection~~ **subdivision.** Such person shall send
30 written notice to all school districts involved specifying to which school district ~~his~~ **the**
31 children will attend by June thirtieth in which such a school year begins. If notification is not
32 received, such children shall attend the school in which the majority of ~~his~~ **the person's**
33 property lies. Such person shall not send any of ~~his~~ **such person's** children to the public
34 schools of any district other than the one to which ~~he~~ **such person** has sent notice pursuant to
35 this ~~subsection~~ **subdivision** in that school year or in which the majority of ~~his~~ **such person's**
36 property lies without paying tuition to such school district.

37 **(2) For all school years beginning on or after July 1, 2022, any owner of real**
38 **property who elects to exercise the option provided in subdivision (2) of subsection 3 of this**

39 section shall exercise such option as provided in this subdivision. Such person shall send
40 written notice to all school districts involved specifying which school district each child will
41 attend thirty days prior to enrollment. When providing such notice, the person shall
42 present proof of the person's payment of school taxes levied on the real property within
43 such school district for the most recent two years. If a school district to which the person
44 wishes to send a child does not receive the notification required under this subdivision, the
45 child shall attend school in the district in which the person resides. Such person shall not
46 send a child to the public schools of any district in which the person does not reside other
47 than the district to which such person has sent notice under this subdivision relating to the
48 particular child for that school year.

49 5. If a pupil is attending school in a district other than the district of residence and the
50 pupil's parent is teaching in the school district or is a regular employee of the school district
51 which the pupil is attending, then the district in which the pupil attends school shall allow the
52 pupil to attend school upon payment of tuition in the same manner in which the district allows
53 other pupils not entitled to free instruction to attend school in the district. The provisions of this
54 subsection shall apply only to pupils attending school in a district which has an enrollment in
55 excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district
56 is located in a county [~~of the first classification~~] with a charter form of government which has
57 a population in excess of six hundred thousand persons and not in excess of nine hundred
58 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) "Nonresident district", a school district other than a transferring student's
9 resident district;

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

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

- 17 (6) "Resident district", the school district in which the transferring student resides;
18 (7) "Sibling", each of two or more children having a parent in common by blood,
19 adoption, marriage, or foster care;
20 (8) "Socioeconomic status", the income level of a student or the student's family,
21 which shall be measured by whether a student or the student's family meets the financial
22 eligibility criteria for free and reduced price meals offered under federal guidelines;
23 (9) "Superintendent", the superintendent of a school district or the
24 superintendent's designee;
25 (10) "Transferring student", a child beginning kindergarten in the child's resident
26 district or a public school student in kindergarten to grade twelve who has been enrolled
27 in and completed a full semester in a public school in the student's resident district and
28 who transfers to a nonresident district through a public school open enrollment program
29 under sections 167.1200 to 167.1230;
30 (11) "Transfer year", the school year in which a transferring student attends school
31 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.

4 2. School districts, including school districts described in sections 162.670 to
5 162.999, shall not be required to participate in the public school open enrollment program.
6 Each school district, including districts described in sections 162.670 to 162.999 shall, on
7 or before October first of each year, indicate whether the district will participate in the
8 public school open enrollment program created in sections 167.1200 to 167.1230 in the
9 school year beginning on July first of the following year. If a school district participates
10 in the public school open enrollment program, the district shall receive transferring
11 students for the full school year in which the district participates. This subsection shall not
12 be construed to prevent any student in a nonparticipating school district from transferring
13 out of the nonparticipating district to a participating district as a transferring student. For
14 the school years 2022-23 and 2023-24, a district may restrict the number of students who
15 may transfer to a nonresident district under sections 167.1200 to 167.1230 to a maximum
16 of five percent of the previous school year's enrollment for the district.

17 3. (1) Sections 167.1200 to 167.1230 shall not be construed to require a school
18 district to add teachers, staff, or classrooms or to in any way exceed the requirements and
19 standards established by existing law or the nonresident district.

20 (2) Sections 167.1200 to 167.1230 shall not be construed to require a school district
21 to provide special educational services for children with disabilities who are three years of

22 age or older and who do not reside in the school district under section 162.700 if the
23 nonresident district determines, as provided in the nonresident district's model policy
24 adopted under subsection 4 of this section, that the school district is unable to provide
25 appropriate special educational services as required under section 162.700 for a child with
26 disabilities seeking a transfer under sections 167.1200 to 167.1230. The determination shall
27 be made by the nonresident district after consultation with the child's resident district and
28 any local public, private, and not-for-profit agencies that provide services for children with
29 disabilities. The nonresident district shall make the determination before approving an
30 application for a transfer under sections 167.1200 to 167.1230. If a determination is
31 required under this subdivision, the child seeking the transfer shall remain enrolled in the
32 child's resident district until such determination becomes final.

33 4. (1) The department shall develop a model policy for determining the number of
34 transfers available under section 167.1215 and establishing specific standards for
35 acceptance and rejection of transfer applications under section 167.1230. Regardless of
36 whether a school district participates in the public school open enrollment program, the
37 board of education of each school district shall, by resolution, adopt the department's
38 model policy with any changes necessary for a particular district's needs.

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

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

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

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

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

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

- 57 (a) Academic achievement;

- 58 **(b) Athletic or other extracurricular ability;**
59 **(c) Disabilities;**
60 **(d) English proficiency level; or**
61 **(e) Previous disciplinary proceedings; except that, any suspension or expulsion**
62 **from another district shall be included.**
- 63 **(6) A school district receiving transferring students shall not discriminate on the**
64 **basis of gender, national origin, race, ethnicity, religion, or disability.**
- 65 **5. A nonresident district shall:**
- 66 **(1) Accept credits toward graduation that were awarded by another district to a**
67 **transferring student; and**
- 68 **(2) Award a diploma to a transferring student if the student meets the nonresident**
69 **district's graduation requirements.**
- 70 **6. The superintendent shall cause the information about the public school open**
71 **enrollment program to be posted on the district website and in the student handbook to**
72 **inform parents of students of the:**
- 73 **(1) Availability of the program established under sections 167.1200 to 167.1230;**
74 **(2) Application deadline; and**
- 75 **(3) Requirements and procedures for resident and nonresident students to**
76 **participate in the program.**
- 77 **7. If a student wishes to attend a school within a nonresident district that is a**
78 **magnet school, an academically selective school, or a school with a competitive entrance**
79 **process that has admissions requirements, the student shall furnish proof that the student**
80 **meets the admissions requirements in the application described under section 167.1220.**
- 81 **8. A nonresident district may deny a transfer to a student who, in the most recent**
82 **school year, has been suspended from school two or more times or who has been suspended**
83 **for an act of school violence or expelled under subsection 2 of section 160.261. A student**
84 **whose transfer is initially precluded under this subsection may be permitted to transfer on**
85 **a provisional basis as a probationary transfer student, subject to no further disruptive**
86 **behavior, upon approval of the nonresident district's superintendent.**
- 87 **9. A student who is denied a transfer under this subsection has the right to an**
88 **in-person meeting with the nonresident district's superintendent. The nonresident district**
89 **shall develop common standards for determining disruptive behavior that shall include,**
90 **but not be limited to, criteria under section 160.261.**
- 91 **10. Students shall not enroll in a nonresident district under sections 167.1200 to**
92 **167.1230 in any school year before school year 2022-23.**

93 **11. (1) As used in this subsection, "school days of enrollment" does not include**
94 **enrollment in summer school, and "varsity" means the highest level of competition offered**
95 **by one school or school district against the highest level of competition offered by an**
96 **opposing school or school district.**

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

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

106 **b. If the district of residence and the other school district jointly participate in the**
107 **sport;**

108 **c. If the sport in which the student wishes to participate is not offered in the district**
109 **of residence;**

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

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

117 **f. If the district of residence determines that the student was previously subject to**
118 **an incident of bullying as defined in section 160.775 while attending school in the district**
119 **of residence.**

120 **(b) A student who has paid tuition and attended school, or has attended school**
121 **under a mutual agreement between the two districts, in a district other than the student's**
122 **district of residence for at least one school year is also eligible to participate immediately**
123 **in interscholastic athletic contests and athletic competitions under this section but only as**
124 **a member of a team from the district that student has been attending.**

125 **(c) Nothing in this section or section 167.1210 shall prevent a statewide athletic**
126 **association that provides oversight for athletic or activity eligibility for students from**
127 **imposing a stricter penalty upon any transferring student who is determined to have been**

128 unduly influenced to participate in or not to participate in the public school open
129 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 to
5 a nonresident district shall commit to attend and take all courses through the nonresident
6 district for at least one school year. At least one course per semester shall be delivered by
7 the nonresident district in-seat.

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

14 (3) If a transferring student returns to the student's resident district, the student
15 shall be ineligible to participate in any varsity-level activity sanctioned by a statewide
16 activities association that provides oversight for athletic or activity eligibility for students
17 and school districts in this state for ninety days.

18 3. (1) Except as otherwise provided in this subsection, a transferring student
19 attending school in a nonresident district may complete all remaining school years in the
20 nonresident district without reapplying each school year.

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

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

30 4. Except for a transferring student with a socioeconomic status that qualifies the
31 student for transportation costs reimbursement under subsection 6 of this section, the
32 transferring student or the student's parent is responsible for the transportation of the
33 student to and from the school in the nonresident district where the student is enrolled,
34 except that the nonresident district may enter into an agreement with the student's parent

35 that the parent may transport the student to an existing bus stop location convenient to the
36 school district if the school district has capacity available on a bus serving that location.
37 If transportation is a related service on a student's individualized education program (IEP)
38 and the student is a participant in the public school open enrollment transfer program, the
39 nonresident district shall not be required to provide such transportation as a related
40 service under the IEP if the nonresident district and the student's parent have entered into
41 an agreement under this subsection. Such agreement shall contain a statement that the
42 parent is waiving the transportation as a related service under the student's IEP.

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

46 6. Any transferring student who qualifies for free and reduced price meals under
47 federal guidelines and transfers to any nonresident district sharing a border with the
48 student's resident district shall be reimbursed by the parent public school choice fund
49 established in section 167.1212 for the costs of transportation of the student as provided
50 in this subsection.

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

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

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

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

57 (2) The transferring student or the student's parent shall keep a record of each
58 instance of transporting the transferring student to and from the nonresident district's
59 nearest existing bus stop location.

60 (3) All reimbursements made under this subsection to a transferring student or the
61 student's parent shall be made quarterly.

62 7. Nothing in sections 167.1200 to 167.1230 shall be construed to relieve any
63 resident district of its responsibility to pay any costs required under section 162.705 or
64 162.740.

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 created 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 educating
6 the student. Such reimbursement shall not exceed three times the current expenditure per

7 average daily attendance as calculated on the district annual secretary of the board report
8 for the year in which expenditures are claimed.

167.1212. 1. There is hereby created in the state treasury the "Parent Public School
2 Choice Fund", which shall consist of a one-time appropriation by the general assembly of
3 thirty 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 and
5 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
6 and, upon appropriation, moneys in the fund shall be used solely as provided in sections
7 167.1200 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 other
12 funds are invested. Any interest and moneys earned on such investments shall be credited
13 to the fund.

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

167.1215. 1. Before October first annually, each school district shall set the number
2 of transfer students the district is willing to receive for the following school year under
3 sections 167.1200 to 167.1230. The district may create criteria for the acceptance of
4 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 this number, and shall not be required to accept any transfer students
8 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 willing
10 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 December 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 application.

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

16 4. The superintendent of the nonresident district may accept an application. If the
17 superintendent rejects an application, the superintendent shall present the rejected
18 application with the superintendent's reasons for the rejection to the school board for
19 review. The school board may accept or reject such application, but no rejection shall be
20 final without a majority vote of the school board to confirm the superintendent's rejection
21 of the application.

22 5. (1) As used in this subsection, "good cause" means:

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

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

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

26 (d) A guardianship or custody proceeding;

27 (e) Placement in foster care;

28 (f) Adoption;

- 29 (g) Participation in a foreign exchange program;
- 30 (h) Participation in a substance abuse or mental health treatment program;
- 31 (i) A change in the status of a student's resident district such as removal of
32 accreditation by the department, surrender of accreditation, or permanent closure of a
33 nonpublic school; or
- 34 (j) Revocation of a charter school contract as provided in state law.
- 35 (2) On or after December first of the calendar year preceding the school year in
36 which the student seeks to begin the fall semester at the nonresident district but before July
37 first of such school year, or before the first Monday in July if July first falls on a Saturday
38 or Sunday, the parent shall send notification to the district of residence and the receiving
39 district, on forms prescribed by the state board of education, that good cause exists for
40 failure to meet the December first deadline. The school board of a receiving district may
41 adopt a policy granting the superintendent the authority to approve open enrollment
42 applications submitted after the December first deadline. The school board of the
43 receiving district shall take action to approve the request if good cause exists. If the
44 request is granted, the school board shall transmit a copy of the form to the parent and the
45 district of residence within five days after school board action. A denial of a request by the
46 board of a receiving district is not subject to appeal.
- 47 (3) If the good cause relates to a change in status of a student's school district of
48 residence, action by a parent shall be taken to file the notification within forty-five days of
49 the last school board action or within thirty days of the certification of the election,
50 whichever is applicable to the circumstances.
- 51 (4) If a resident district believes that a receiving district is violating this subsection,
52 the resident district may, within fifteen days after school board action by the receiving
53 district, submit an appeal to the commissioner of education.
- 54 (5) The commissioner of education or the commissioner's designee shall attempt to
55 mediate the dispute to reach approval by both school boards. If approval is not reached
56 under mediation, the commissioner shall conduct a hearing and shall hear testimony from
57 both school boards. Within ten days following the hearing, the commissioner shall render
58 a decision upholding or reversing the decision by the school board of the receiving district.
59 Within five days of the commissioner's decision, the school board may appeal the decision
60 of the commissioner to the state board of education as provided in state law.
- 61 6. (1) Before February first of the school year before the school year in which the
62 student seeks to enroll in a nonresident district under sections 167.1200 to 167.1230, the
63 nonresident district's superintendent shall notify the parent and the resident district, in

64 writing, as to whether the student's application has been accepted or rejected. The
65 notification shall be sent by first-class mail to the address on the application.

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

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

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

72 (b) Instructions for the procedures established by the nonresident district for
73 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 resident or nonresident school district with an approved diversity plan or
30 voluntary diversity plan may deny a transfer under sections 167.1200 to 167.1230 if the
31 school district determines that the transfer conflicts with the provisions of such diversity
32 plan. The denial of a transfer under this subsection shall be deemed a denial for good
33 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 shall
36 not be subject to any requirements under sections 167.1200 to 167.1230.

37 (2) Districts receiving transfer students or sending transfer students to nonresident
38 districts under section 167.131, sections 162.1040 to 162.1061, or any section other than
39 sections 167.1200 to 167.1230 shall not be subject to any requirements under sections
40 167.1200 to 167.1230 for those transfer students.

41 5. 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.

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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