

FIRST REGULAR SESSION

HOUSE BILL NO. 303

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WIEMANN.

0262H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 167.020 and 167.151, RSMo, and to enact in lieu thereof nine 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Section A. Sections 167.020 and 167.151, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 167.020, 167.151, 167.1200, 167.1205, 167.1210, 167.1215, 167.1220, 167.1225, and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 Choice 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) "Nonresident district", a school district other than a student's resident district;**
6 **(3) "Parent", a student's parent, guardian, or other person having custody or care**
7 **of the student;**
8 **(4) "Public school choice student", a public school student in kindergarten to grade**
9 **twelve who has been enrolled in and completed a full school year in a public school in the**
10 **student's resident district and who transfers to a nonresident district through a public**
11 **school choice program under sections 167.1200 to 167.1230;**
12 **(5) "Resident district", the school district in which the student resides;**
13 **(6) "Sibling", each of two or more children having a parent in common by blood,**
14 **adoption, marriage, or foster care.**

167.1205. 1. A public school choice program is established to enable a student in
2 kindergarten to grade twelve to attend a school in a nonresident district subject to the
3 limitations under section 167.1225.

2. Each school district except districts described in sections 162.670 to 162.999 shall
5 participate in a public school choice program consistent with sections 167.1200 to 167.1230.

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

4. (1) The board of education of a school district shall adopt specific standards for
10 acceptance and rejection of transfer applications under section 167.1230 by resolution.

(2) The standards may include, without limitation, the capacity of a school building,
12 grade level, class, or program.

(3) The standards shall include a statement that priority shall be given to an
14 applicant who has a sibling who:

(a) Is already enrolled in the nonresident district; or

(b) Has made an application for enrollment in the same nonresident district.

(4) The standards shall not include an applicant's:

(a) Academic achievement;

(b) Athletic or other extracurricular ability;

(c) English proficiency level; or

(d) Previous disciplinary proceedings; except that, a suspension or expulsion from
22 another district shall be included.

(5) A school district receiving public school choice students shall not discriminate
24 on the basis of gender, national origin, race, ethnicity, religion, or disability.

25 **5. A nonresident district shall:**

26 **(1) Accept credits toward graduation that were awarded by another district to a**
27 **public school choice student; and**

28 **(2) Award a diploma to a public school choice student if the student meets the**
29 **nonresident district's graduation requirements.**

30 **6. The superintendent of a school district shall cause the information about the**
31 **public school choice program to be posted on the district website and in the student**
32 **handbook to inform parents of students of the:**

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

34 **(2) Application deadline; and**

35 **(3) Requirements and procedures for resident and nonresident students to**
36 **participate in the program.**

37 **7. If a student wishes to attend a school within a nonresident district that is a**
38 **magnet school, an academically selective school, or a school with a competitive entrance**
39 **process that has admissions requirements, the student shall furnish proof that the student**
40 **meets the admissions requirements in the application described under section 167.1220.**

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

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

51 **10. Students shall not enroll in a nonresident district under sections 167.1200 to**
52 **167.1230 in any school year before school year 2023-24.**

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

4 **2. (1) A student who accepts a public school choice program transfer to a**
5 **nonresident district may return to the student's resident district during the school year.**

6 **(2) If a transferred student returns to the student's resident district, the student's**
7 **transfer shall be void and the student shall reapply if the student seeks a future public**
8 **school choice program transfer. No transferred student who returns to the student's**

9 resident district shall reapply for a future transfer under this subdivision until the student
10 has been enrolled in and completed a full school year in a public school in the student's
11 resident district before reapplying.

12 3. (1) Except as otherwise provided in this subsection, a public school choice
13 student attending school in a nonresident district may complete all remaining school years
14 in the nonresident district.

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

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

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

34 5. Notwithstanding the provisions of chapter 163 to the contrary, for the purposes
35 of determining state and federal aid, a public school choice student shall be counted as a
36 resident pupil of the nonresident district in which the student is enrolled.

37 6. (1) Except as otherwise provided, the nonresident district shall notify the public
38 school choice student's resident district of the number of days the student was enrolled in
39 the nonresident district.

40 (2) Upon receipt of such notice, the resident district shall calculate the per-pupil
41 average daily local effort amount and send such amount for each day the student was
42 enrolled in the nonresident district to the nonresident district prior to the last business day
43 in June of the current school year. In no case shall the amount sent by the resident district

44 exceed the amount of the annual per-pupil local effort as calculated by the nonresident
45 district.

46 (3) If the resident district of the public school choice transfer student fails to send
47 such amount owed to the nonresident district prior to the last business day in June in the
48 current school year, the department shall withhold such amount from the resident district's
49 monthly distribution of revenues and send such amount to the nonresident district by
50 August fifteenth.

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

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

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 May first of the calendar year in which the student seeks to
7 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) Before July first of the school year in which the student seeks to enroll in a
16 nonresident district under sections 167.1200 to 167.1230, the superintendent of the
17 nonresident district shall notify the parent and the resident district in writing as to whether
18 the student's application has been accepted or rejected. The notification shall be sent by
19 first-class mail to the address on the application.

20 **(2) If the application is rejected, the superintendent of the nonresident district shall**
21 **state in the notification letter the reason for the rejection.**

22 **(3) If the application is accepted, the superintendent of the nonresident district shall**
23 **state in the notification letter:**

24 **(a) A reasonable deadline by which the student shall enroll in the nonresident**
25 **district and after which the acceptance notification is null; and**

26 **(b) Instructions for the procedures established by the nonresident district for**
27 **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 choice program under sections 167.1200 to 167.1230**
14 **if the school district's participation does not conflict with the school district's federal court-**
15 **ordered desegregation program or settlement agreement remedying the effects of past**
16 **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 choice program transfers for the school year to**
23 **begin July first.**

24 **(6) If a student is unable to transfer due to 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. (1) Any student who transfers to a nonresident district under section 167.131,**
30 **sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1230 shall**
31 **not be subject to any requirements under sections 167.1200 to 167.1230.**

32 **(2) Districts receiving transfer students or sending transfer students to nonresident**
33 **districts under section 167.131, sections 162.1040 to 162.1061, or any section other than**
34 **sections 167.1200 to 167.1230 shall not be subject to any requirements under sections**
35 **167.1200 to 167.1230 for those transfer students.**

36 **4. A student transferring to a nonresident district under sections 167.1200 to**
37 **167.1230 shall not be considered a transfer student under any law relating to another**
38 **transfer program or procedure that allows students to transfer out of their resident**
39 **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. A request for a hearing before the department shall be in writing and shall be**
5 **postmarked no later than ten calendar days, excluding weekends and legal holidays, after**
6 **the student or the student's parent receives a notice of rejection of the application under**
7 **section 167.1220.**

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

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

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

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

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

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

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

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

34 **(2) Annually before October first, the department shall report the department's**
35 **findings from the study of the data under subdivision (1) of this subsection to the joint**
36 **committee on education or any successor committee and:**

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

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

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

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