

SECOND REGULAR SESSION

HOUSE BILL NO. 2310

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WIEMANN.

4063H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 167.020 and 167.151, RSMo, and to enact in lieu thereof seven 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Section A. Sections 167.020 and 167.151, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 167.020, 167.151, 167.1200, 167.1205, 167.1210, 167.1215, and 167.1220, to read as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 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 ~~[(4)]~~ (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 167.1220**, 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 parent or legal guardian of the student or the student himself or herself to physically
81 appear at a location within the district to register the student. Proof of residency, as described
82 in this section, shall not be required at the time of the remote registration but shall be required
83 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 **167.1220**.

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

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

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

167.1200. As used in sections 167.1200 to 167.1220, the following terms mean:

- 2 (1) "Nonresident district", a school district other than a student's resident district;
3 (2) "Parent", a student's parent, guardian, or other person having custody or care
4 of the student;
5 (3) "Resident district", the school district in which the student resides.

167.1205. 1. Subject to the provisions of sections 167.1200 to 167.1220, any student
2 in kindergarten or any grade not higher than the twelfth grade may transfer to a public
3 school in a nonresident district if the student is enrolled in and has attended, for one year
4 immediately prior to enrolling in the nonresident district, a public school in the student's
5 resident district.

6 2. Sections 167.1200 to 167.1220 do not require a school district to add teachers,
7 staff, or classrooms, or in any way to exceed the requirements and standards established
8 by existing law.

9 3. A school district receiving transfer students under sections 167.1200 to 167.1220
10 shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or
11 disability.

12 4. A nonresident district shall:

13 (1) Accept credits toward graduation that were awarded by another district to a
14 student transferring under sections 167.1200 to 167.1220; and

15 (2) Award a diploma to a student transferring under sections 167.1200 to 167.1220
16 if the student meets the nonresident district's graduation requirements.

167.1210. 1. A student who transfers to a nonresident district under sections
2 167.1200 to 167.1220 may complete all remaining school years in the nonresident district
3 as long as the student's parent pays any tuition fee required under this section each school
4 year.

5 2. A student who transfers to a nonresident district under sections 167.1200 to
6 167.1220 or the student's parent is responsible for the transportation of the student to and
7 from the school in the nonresident district where the student is enrolled. The nonresident
8 district has no obligation to provide transportation to the student.

9 3. Notwithstanding the provisions of chapter 163 to the contrary, for the purposes
10 of determining state aid, a student who transfers to a nonresident district under sections
11 167.1200 to 167.1220 shall be counted as a resident pupil of the nonresident district in
12 which the student is enrolled.

13 4. (1) If the current expenditure per pupil of the nonresident district attended by
14 a student transferring under sections 167.1200 to 167.1220 is higher than the current
15 expenditure per pupil of the student's resident district, the parent of the student shall pay

16 the nonresident district a tuition rate equal to the difference in such amounts for each
17 school year the student attends school in the nonresident district.

18 (2) If the current expenditure per pupil of the nonresident district attended by a
19 student transferring under sections 167.1200 to 167.1220 is lower than the current
20 expenditure per pupil of the student's resident district, the parent of the student shall not
21 owe the nonresident district any tuition.

22 (3) The nonresident district shall update the calculation under this subsection
23 before August first each year based on data from the preceding school year and notify the
24 parents of affected students of any tuition amount owed for the upcoming school term. The
25 nonresident district may require the tuition amount to be paid before any date during the
26 school term that it chooses.

27 (4) Notwithstanding the provisions of subdivisions (1) to (3) of this subsection, if a
28 student attends a school in a nonresident district under sections 167.1200 to 167.1220 for
29 less than a full school term, the parent of the student shall pay the nonresident district a
30 tuition rate equal to the current expenditure per pupil of the nonresident district; except
31 that, the tuition rate shall be prorated so that the parent is charged for only the portion of
32 the year the student attended school in the nonresident district.

33 (5) If the parent of a student who attends a school in a nonresident district under
34 sections 167.1200 to 167.1220 moves into the boundaries of another district, the student
35 shall be allowed to attend school in the student's new resident district and leave the school
36 in the nonresident district during the school term without the student's parent being
37 charged the tuition amount required in subdivision (4) of this subsection for students who
38 attend less than a full school term.

39 5. If a student wishes to attend a school within a nonresident district that is a
40 magnet school, an academically selective school, or a school with a competitive entrance
41 process that has admissions requirements, the student shall furnish proof that the student
42 meets the admissions requirements in the application described under section 167.1215.

43 6. A nonresident district may deny a transfer to a student who, in the most recent
44 school year, has been suspended from school two or more times or who has been suspended
45 for an act of school violence under subsection 2 of section 160.261. A student whose
46 transfer is initially precluded under this subsection may be permitted to transfer on a
47 provisional basis as a probationary transfer student, subject to no further disruptive
48 behavior, upon a statement from the student's current school that the student is not
49 disruptive. A student who is denied a transfer under this subsection has the right to an in-
50 person meeting with the nonresident district's superintendent or the superintendent's

51 designee. The nonresident district shall develop common standards for determining
52 disruptive behavior that shall include, but not be limited to, criteria under section 160.261.

53 7. Students shall not enroll in a nonresident district under sections 167.1200 to
54 167.1220 in any school year before school year 2022-23.

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 167.1220. Nothing in sections 167.1200 to 167.1220 requires a
4 district to set this number above a number equal to one-half of one percent of the existing
5 student population.

6 2. Each school district shall publish the number set under this section and shall not
7 be required to accept any transfer students under this section that would cause it to exceed
8 the published number. A school district shall remain free to admit students who are
9 willing to pay a tuition fee prescribed by the district, as described under section 167.151.
10 Students admitted under section 167.151 shall not count against the cap published by the
11 school district under this section.

12 3. If a student seeks to attend a school in a nonresident district under sections
13 167.1200 to 167.1220, the student's parent shall submit an application:

14 (1) To the nonresident district with a copy to the resident district;

15 (2) On a form, approved by the department of elementary and secondary
16 education, that contains the address of the student's parent; and

17 (3) Postmarked before June first of the calendar year in which the student seeks
18 to begin the fall semester at the nonresident district.

19 4. A nonresident district that receives an application under subsection 3 of this
20 section shall, upon receipt of the application, place a date and time stamp on the
21 application that reflects the date and time the nonresident district received the application.

22 5. A nonresident district shall review and make a determination on each application
23 in the order in which the application was received by the nonresident district.

24 6. A nonresident district shall not reject an application on any basis other than:

25 (1) A student's failure to meet any admissions requirements described under section
26 167.1210;

27 (2) A student's failure to have attended a public school in the student's resident
28 district for at least one year as described in section 167.1205;

29 (3) A suspension of the student as described under subsection 6 of section 167.1210;

30 or

31 (4) The district having reached the number published under subsection 2 of this
32 section.

33 **7. (1) Before August first of the school year in which the student seeks to enroll in**
34 **a nonresident district under sections 167.1200 to 167.1220, the superintendent of the**
35 **nonresident district shall notify the parent and the resident district in writing as to whether**
36 **the student's application has been accepted or rejected. The notification shall be sent by**
37 **first-class mail to the address on the application.**

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

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

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

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

167.1220. 1. If sections 167.1200 to 167.1220 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 167.1220 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 elementary and secondary education of the declaration**
12 **of exemption.**

13 **(3) After each year of exemption, the board of education of a school district may**
14 **elect to participate in the transfer process under sections 167.1200 to 167.1220 if the school**
15 **district's participation does not conflict with the school district's federal court-ordered**
16 **desegregation program or settlement agreement remedying the effects of past racial**
17 **segregation.**

18 **(4) A school district shall notify the department of elementary and secondary**
19 **education before April first if in the next school year the school district intends to:**

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

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

22 **3. (1) Any student who transfers to a nonresident district under section 167.131,**
23 **sections 162.1040 to 162.1061, or any section other than sections 167.1200 to 167.1220 shall**
24 **not be subject to any requirements under sections 167.1200 to 167.1220.**

25 **(2) Districts receiving transfer students or sending transfer students to nonresident**
26 **districts under section 167.131, sections 162.1040 to 162.1061, or any section other than**
27 **sections 167.1200 to 167.1220 shall not be subject to any requirements under sections**
28 **167.1200 to 167.1220 for those transfer students.**

29 **4. A student transferring to a nonresident district under sections 167.1200 to**
30 **167.1220 shall not be considered a transfer student under any law relating to another**
31 **transfer program or procedure that allows students to transfer out of their resident**
32 **districts.**

 Section B. The enactment of sections 167.1200, 167.1205, 167.1210, 167.1215, and
2 167.1220 and the repeal and reenactment of sections 167.020 and 167.151 of this act shall
3 become effective July 1, 2021.

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