

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 303**  
**101ST GENERAL ASSEMBLY**

0262H.04C

DANA RADEMAN MILLER, Chief Clerk

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**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 and an emergency clause for a certain section.

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Section A. Sections 167.020 and 167.151, RSMo, are repealed and nine new sections  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

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:

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 167.1230**, 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. **(1) For all school years ending on or before June 30, 2021**, 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, 2021, 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 any 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, 2021**, 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, 2021, 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. If a school district to which the person wishes to  
 42 send a child does not receive the notification required under this subdivision, the child  
 43 shall attend school in the district in which the person resides. Such person shall not send  
 44 a child to the public schools of any district other than the one to which such person has sent  
 45 notice under this subdivision relating to the particular child in that school year.

46 5. If a pupil is attending school in a district other than the district of residence and the  
 47 pupil's parent is teaching in the school district or is a regular employee of the school district  
 48 which the pupil is attending, then the district in which the pupil attends school shall allow the  
 49 pupil to attend school upon payment of tuition in the same manner in which the district allows  
 50 other pupils not entitled to free instruction to attend school in the district. The provisions of this  
 51 subsection shall apply only to pupils attending school in a district which has an enrollment in  
 52 excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district  
 53 is located in a county [~~of the first classification~~] with a charter form of government which has  
 54 a population in excess of six hundred thousand persons and not in excess of nine hundred  
 55 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) "Local effort", the same meaning as used in section 163.011;  
 6 (3) "Nonresident district", a school district other than a student's resident district;  
 7 (4) "Parent", a student's parent, guardian, or other person having custody or care  
 8 of the student;  
 9 (5) "Public school", a public school as defined in section 160.011 or any school  
 10 operating within any school district as described in section 160.400;  
 11 (6) "Public school choice student", a public school student in kindergarten to grade  
 12 twelve who has been enrolled in and completed a full school year in a public school in the  
 13 student's resident district and who transfers to a nonresident district through a public  
 14 school choice program under sections 167.1200 to 167.1230;  
 15 (7) "Resident district", the school district in which the student resides;  
 16 (8) "Resident local revenue", the resident district's average sum produced per child  
 17 by the local effort taxes for the transfer year;  
 18 (9) "Sibling", each of two or more children having a parent in common by blood,  
 19 adoption, marriage, or foster care;  
 20 (10) "Transfer year", the school year in which a transferring student attends school  
 21 in a nonresident district;

22 (11) "Transferring student", a child beginning kindergarten in the child's resident  
23 public school district or a public school student in kindergarten to grade twelve who has  
24 been enrolled in and completed a full semester in a public school in the student's resident  
25 district and who transfers to a nonresident public school district through a public school  
26 open enrollment program under sections 167.1200 to 167.1230.

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.

4 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.  
6 This subsection shall not be construed to prevent any student from transferring out of the  
7 student's resident district to a participating district as a transferring student.

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

11 4. (1) The department shall develop a model policy for determining the number of  
12 transfers available under section 167.1215 and establishing specific standards for  
13 acceptance and rejection of transfer applications under section 167.1230.

14 (2) The board governing any public school shall adopt specific standards for  
15 acceptance and rejection of transfer applications under section 167.1230 by resolution.

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

18 (4) The standards shall include a statement that priority shall be given to an  
19 applicant who has a sibling who:

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

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

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

23 (a) Academic achievement;

24 (b) Athletic or other extracurricular ability;

25 (c) Disability;

26 (d) English proficiency level; or

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

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

31 5. A nonresident district shall:

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

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

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

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

40 (2) Application deadline; and

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

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

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

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

57 10. Students shall not enroll in a nonresident district under sections 167.1200 to  
58 167.1230 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 section 167.1205.

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

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 and**  
7 **notify the department of this number, but shall not be required to accept any transfer**  
8 **students 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.**

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 since 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 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 or by email.**

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

Section C. Because immediate action is necessary to ensure that a parent or legal  
2 guardian has the ability to provide the best educational opportunity for their student by allowing  
3 them the opportunity to enroll in a district other than their resident district closer to the start of

4 the school term, the repeal and reenactment of section 167.151 of this act is deemed necessary  
5 for the immediate preservation of the public health, welfare, peace, and safety, and is hereby  
6 declared to be an emergency act within the meaning of the constitution, and the repeal and  
7 reenactment of section 167.151 of this act shall be in full force and effect upon its passage and  
8 approval.

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