

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 5

102ND GENERAL ASSEMBLY

0854S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.410, 163.161, 167.020, and 167.151, RSMo, and to enact in lieu thereof thirteen new sections relating to admission of nonresident pupils, with a delayed effective date for certain sections and existing penalty provisions.

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

Section A. Sections 160.410, 163.161, 167.020, and
2 167.151, RSMo, are repealed and thirteen new sections enacted
3 in lieu thereof, to be known as sections 160.410, 163.161,
4 167.020, 167.151, 167.1200, 167.1205, 167.1210, 167.1211,
5 167.1212, 167.1215, 167.1220, 167.1225, and 167.1230, to read
6 as follows:

160.410. 1. A charter school shall enroll:

- 2 (1) All pupils resident in the district in which it
3 operates;
- 4 (2) Nonresident pupils eligible to attend a district's
5 school under an urban voluntary transfer program;
- 6 (3) Nonresident pupils who transfer from an
7 unaccredited district under section 167.895, provided that
8 the charter school is an approved charter school, as defined
9 in section 167.895, and subject to all other provisions of
10 section 167.895;
- 11 (4) In the case of a charter school whose mission
12 includes student drop-out prevention or recovery, any
13 nonresident pupil from the same or an adjacent county who

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 resides in a residential care facility, a transitional
15 living group home, or an independent living program whose
16 last school of enrollment is in the school district where
17 the charter school is established, who submits a timely
18 application; [and]

19 (5) In the case of a workplace charter school, any
20 student eligible to attend under subdivision (1) or (2) of
21 this subsection whose parent is employed in the business
22 district, who submits a timely application, unless the
23 number of applications exceeds the capacity of a program,
24 class, grade level or building. The configuration of a
25 business district shall be set forth in the charter and
26 shall not be construed to create an undue advantage for a
27 single employer or small number of employers; and

28 **(6) Nonresident pupils who transfer pursuant to**
29 **sections 167.1200 to 167.1230.**

30 2. If capacity is insufficient to enroll all pupils
31 who submit a timely application, the charter school shall
32 have an admissions process that assures all applicants of an
33 equal chance of gaining admission and does not discriminate
34 based on parents' ability to pay fees or tuition except that:

35 (1) A charter school may establish a geographical area
36 around the school whose residents will receive a preference
37 for enrolling in the school, provided that such preferences
38 do not result in the establishment of racially or
39 socioeconomically isolated schools and provided such
40 preferences conform to policies and guidelines established
41 by the state board of education;

42 (2) A charter school may also give a preference for
43 admission of children whose siblings attend the school or
44 whose parents are employed at the school or in the case of a
45 workplace charter school, a child whose parent is employed

46 in the business district or at the business site of such
47 school;

48 (3) Charter schools may also give a preference for
49 admission to high-risk students, as defined in subdivision
50 (5) of subsection 2 of section 160.405, when the school
51 targets these students through its proposed mission,
52 curriculum, teaching methods, and services;

53 (4) A charter school may also give a preference for
54 admission to students who will be eligible for the free and
55 reduced price lunch program in the upcoming school year.

56 3. A charter school shall not limit admission based on
57 race, ethnicity, national origin, disability, income level,
58 except as allowed under subdivision (4) of subsection 2 of
59 this section, proficiency in the English language or
60 athletic ability, but may limit admission to pupils within a
61 given age group or grade level. Charter schools may limit
62 admission based on gender only when the school is a single-
63 gender school. Students of a charter school who have been
64 enrolled for a full academic year shall be counted in the
65 performance of the charter school on the statewide
66 assessments in that calendar year, unless otherwise exempted
67 as English language learners. For purposes of this
68 subsection, "full academic year" means the last Wednesday in
69 September through the administration of the Missouri
70 assessment program test without transferring out of the
71 school and re-enrolling.

72 4. A charter school shall make available for public
73 inspection, and provide upon request, to the parent,
74 guardian, or other custodian of any school-age pupil
75 resident in the district in which the school is located the
76 following information:

77 (1) The school's charter;

78 (2) The school's most recent annual report card
79 published according to section 160.522;

80 (3) The results of background checks on the charter
81 school's board members; and

82 (4) If a charter school is operated by a management
83 company, a copy of the written contract between the
84 governing board of the charter school and the educational
85 management organization or the charter management
86 organization for services. The charter school may charge
87 reasonable fees, not to exceed the rate specified in section
88 610.026 for furnishing copies of documents under this
89 subsection.

90 5. When a student attending a charter school who is a
91 resident of the school district in which the charter school
92 is located moves out of the boundaries of such school
93 district, the student may complete the current semester and
94 shall be considered a resident student. The student's
95 parent or legal guardian shall be responsible for the
96 student's transportation to and from the charter school.

97 6. If a change in school district boundary lines
98 occurs under section 162.223, 162.431, 162.441, or 162.451,
99 or by action of the state board of education under section
100 162.081, including attachment of a school district's
101 territory to another district or dissolution, such that a
102 student attending a charter school prior to such change no
103 longer resides in a school district in which the charter
104 school is located, then the student may complete the current
105 academic year at the charter school. The student shall be
106 considered a resident student. The student's parent or
107 legal guardian shall be responsible for the student's
108 transportation to and from the charter school.

109 7. The provisions of sections 167.018 and 167.019
110 concerning foster children's educational rights are
111 applicable to charter schools.

 163.161. 1. Any school district which makes provision
2 for transporting pupils as provided in section 162.621 and
3 sections 167.231 and 167.241 shall receive state aid for the
4 ensuing year for such transportation on the basis of the
5 cost of pupil transportation services provided the current
6 year. A district shall receive, pursuant to section
7 163.031, an amount not greater than seventy-five percent of
8 the allowable costs of providing pupil transportation
9 services to and from school and to and from public
10 accredited vocational courses, and shall not receive an
11 amount per pupil greater than one hundred twenty-five
12 percent of the state average approved cost per pupil
13 transported the second preceding school year, except when
14 the state board of education determines that sufficient
15 circumstances exist to authorize amounts in excess of the
16 one hundred twenty-five percent of the state average
17 approved cost per pupil transported the second previous year.

 2. The state board of education shall determine public
19 school district route approval procedures to be used by each
20 public school district board of education to approve all bus
21 routes or portions of routes and determine the total miles
22 each public school district needs for safe and cost-
23 efficient transportation of the pupils and the state board
24 of education shall determine allowable costs. No state aid
25 shall be paid for the costs of transporting pupils living
26 less than one mile from the school. However, if the state
27 board of education determines that circumstances exist where
28 no appreciable additional expenses are incurred in
29 transporting pupils living less than one mile from school,

30 such pupils may be transported without increasing or
31 diminishing the district's entitlement to state aid for
32 transportation.

33 3. State aid for transporting handicapped and severely
34 handicapped students attending classes within the school
35 district or in a nearby district under a contractual
36 arrangement shall be paid in accordance with the provisions
37 of section 163.031 and an amount equal to seventy-five
38 percent of the additional cost of transporting handicapped
39 and severely handicapped students above the average per
40 pupil cost of transporting all students of the district
41 shall be apportioned pursuant to section 163.031 where such
42 special transportation is approved in advance by the
43 department of elementary and secondary education. State aid
44 for transportation of handicapped and severely handicapped
45 children in a special school district shall be seventy-five
46 percent of allowable costs as determined by the state board
47 of education which may for sufficient reason authorize
48 amounts in excess of one hundred twenty-five percent of the
49 state average approved cost per pupil transported the second
50 previous year. In no event shall state transportation aid
51 exceed seventy-five percent of the total allowable cost of
52 transporting all pupils eligible to be transported; provided
53 that no district shall receive reduced reimbursement for
54 costs of transportation of handicapped and severely
55 handicapped children based upon inefficiency.

56 4. No state transportation aid received pursuant to
57 section 163.031 shall be used to purchase any school bus
58 manufactured prior to April 1, 1977, that does not meet the
59 federal motor vehicle safety standards.

60 **5. Any school district that operates magnet schools as**
61 **part of a master desegregation settlement agreement shall**

62 not be considered inefficient for purposes of state aid for
63 transportation of pupils attending such magnet schools and
64 shall not receive a financial penalty for the magnet school
65 transportation portion of the overall transportation budget
66 as a result thereof.

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

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

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

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

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

22 2. (1) In order to register a pupil, the **pupil or the**
23 **parent or legal guardian of the pupil [or the pupil himself**
24 **or herself]** shall provide, at the time of registration, one
25 of the following:

26 [(1)] (a) Proof of residency in the district. Except
27 as otherwise provided in section 167.151, the term

28 "residency" shall mean that a person both physically resides
29 within a school district and is domiciled within that
30 district or, in the case of a private school student
31 suspected of having a disability under the Individuals With
32 Disabilities Education Act, 20 U.S.C. Section [1412,] 1411
33 et seq., **as amended**, that the student attends private school
34 within that district. The domicile of a minor child shall
35 be the domicile of a parent, military guardian pursuant to a
36 military-issued guardianship or court-appointed legal
37 guardian. For instances in which the family of a student
38 living in Missouri co-locates to live with other family
39 members or live in a military family support community
40 because one or both of the child's parents are stationed or
41 deployed out of state or deployed within Missouri under
42 active duty orders under Title 10 or Title 32 of the United
43 States Code, the student may attend the school district in
44 which the family member's residence or family support
45 community is located. If the active duty orders expire
46 during the school year, the student may finish the school
47 year in that district;

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

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

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

60 3. Any person subject to the requirements of
61 subsection 2 of this section may request a waiver from the
62 district board of any of those requirements on the basis of
63 hardship or good cause. Under no circumstances shall
64 athletic ability be a valid basis of hardship or good cause
65 for the issuance of a waiver of the requirements of
66 subsection 2 of this section. The district board or
67 committee of the board appointed by the president and which
68 shall have full authority to act in lieu of the board shall
69 convene a hearing as soon as possible, but no later than
70 forty-five days after receipt of the waiver request made
71 under this subsection or the waiver request shall be
72 granted. The district board or committee of the board may
73 grant the request for a waiver of any requirement of
74 subsection 2 of this section. The district board or
75 committee of the board may also reject the request for a
76 waiver in which case the pupil shall not be allowed to
77 register. Any person aggrieved by a decision of a district
78 board or committee of the board on a request for a waiver
79 under this subsection may appeal such decision to the
80 circuit court in the county where the school district is
81 located.

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

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

92 6. Subsection 2 of this section shall not apply to a
93 pupil who is a homeless child or youth, or a pupil attending
94 a school not in the pupil's district of residence as a
95 participant in an interdistrict transfer program established
96 under a court-ordered desegregation program, a pupil who is
97 a ward of the state and has been placed in a residential
98 care facility by state officials, a pupil who has been
99 placed in a residential care facility due to a mental
100 illness or developmental disability, a pupil attending a
101 school pursuant to sections 167.121 and 167.151 **or sections**
102 **167.1200 to 167.1230**, a pupil placed in a residential
103 facility by a juvenile court, a pupil with a disability
104 identified under state eligibility criteria if the student
105 is in the district for reasons other than accessing the
106 district's educational program, or a pupil attending a
107 regional or cooperative alternative education program or an
108 alternative education program on a contractual basis.

109 7. Within two business days of enrolling a pupil, the
110 school official enrolling a pupil, including any special
111 education pupil, shall request those records required by
112 district policy for student transfer and those discipline
113 records required by subsection 9 of section 160.261 from all
114 schools previously attended by the pupil within the last
115 twelve months. Any school district that receives a request
116 for such records from another school district enrolling a
117 pupil that had previously attended a school in such district
118 shall respond to such request within five business days of
119 receiving the request. School districts may report or
120 disclose education records to law enforcement and juvenile
121 justice authorities if the disclosure concerns law
122 enforcement's or juvenile justice authorities' ability to
123 effectively serve, prior to adjudication, the student whose

124 records are released. The officials and authorities to whom
125 such information is disclosed must comply with applicable
126 restrictions set forth in 20 U.S.C. Section 1232g(b) (1) (E) ,
127 **as amended.**

128 8. If one or both of a child's parents are being
129 relocated to the state of Missouri under military orders, a
130 school district shall allow remote registration of the
131 student and shall not require the **student or the** parent or
132 legal guardian of the student [or the student himself or
133 herself] to physically appear at a location within the
134 district to register the student. Proof of residency, as
135 described in this section, shall not be required at the time
136 of the remote registration but shall be required within ten
137 days of the student's attendance in the school district.

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

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

13 3. (1) For all school years ending on or before June
14 30, 2023, any individual who pays a school tax in any other
15 district than that in which such individual resides may send
16 such individual's children to any public school in the
17 district in which the tax is paid and receive as a credit on
18 the amount charged for tuition the amount of the school tax

19 paid to the district; except that any individual who owns
20 real estate of which eighty acres or more are used for
21 agricultural purposes and upon which such individual's
22 residence is situated may send such individual's children to
23 public school in any school district in which a part of such
24 real estate, contiguous to that upon which such individual's
25 residence is situated, lies and shall not be charged tuition
26 therefor; so long as thirty-five percent of the real estate
27 is located in the school district of choice. The school
28 district of choice shall count the children in its average
29 daily attendance for the purpose of distribution of state
30 aid through the foundation formula.

31 (2) For all school years beginning on or after July 1,
32 2023, any current owner of residential real property or
33 agricultural real property or a named beneficiary of a trust
34 that currently owns residential real property or
35 agricultural real property and that pays a school tax in a
36 district or districts other than the district in which such
37 current owner or current beneficiary resides may send up to
38 four of such owner's or beneficiary's children to a public
39 school, excluding a charter school, in any district in which
40 such owner or trust pays such school tax. For purposes of
41 this subdivision, "residential real property" shall not
42 include any multifamily residential property which exceeds
43 four units. An owner or a named beneficiary of a trust that
44 currently owns residential real property shall not be
45 permitted under this subdivision to send their child to a
46 district outside of the county in which they currently
47 reside. Such owner or beneficiary shall send thirty days'
48 written notice to all school districts involved specifying
49 which school district each child will attend. Such owner or
50 beneficiary shall also present proof of the owner's or

51 trust's annual payment of at least two thousand dollars of
52 school taxes levied on the real property specified in this
53 subdivision within such school district and ownership of the
54 specified real property for not less than the immediately
55 preceding four consecutive years. Neither the resident nor
56 nonresident districts shall be responsible for providing
57 transportation services under this subdivision. The school
58 district attended shall count a child attending under this
59 subdivision in its average daily attendance for the purpose
60 of distribution of state aid under chapter 163, except that
61 such nonresident students shall not be counted in the
62 district's average daily attendance for the purposes of
63 determining eligibility for aid payments under section
64 163.044.

65 4. For any school year ending on or before June 30,
66 2023, any owner of agricultural land who, pursuant to
67 subsection 3 of this section, has the option of sending his
68 **or her** children to the public schools of more than one
69 district shall exercise such option as provided in this
70 subsection. Such person shall send written notice to all
71 school districts involved specifying to which school
72 district his **or her** children will attend by June thirtieth
73 in which such a school year begins. If notification is not
74 received, such children shall attend the school in which the
75 majority of his **or her** property lies. Such person shall not
76 send any of his **or her** children to the public schools of any
77 district other than the one to which he **or she** has sent
78 notice pursuant to this subsection in that school year or in
79 which the majority of his **or her** property lies without
80 paying tuition to such school district.

81 5. If a pupil is attending school in a district other
82 than the district of residence and the pupil's parent is

83 teaching in the school district or is a regular employee of
84 the school district which the pupil is attending, then the
85 district in which the pupil attends school shall allow the
86 pupil to attend school upon payment of tuition in the same
87 manner in which the district allows other pupils not
88 entitled to free instruction to attend school in the
89 district. The provisions of this subsection shall apply
90 only to pupils attending school in a district which has an
91 enrollment in excess of thirteen thousand pupils and not in
92 excess of fifteen thousand pupils and which district is
93 located in a county with a charter form of government which
94 has a population in excess of six hundred thousand persons
95 and not in excess of nine hundred thousand persons.

167.1200. 1. Sections 167.1200 to 167.1230 shall be
2 known and may be cited as the "Public School Open Enrollment
3 Act".

4 2. As used in sections 167.1200 to 167.1230, the
5 following terms mean:

6 (1) "Department", the department of elementary and
7 secondary education;

8 (2) "Nonresident district", a charter school or school
9 district other than a transferring student's resident
10 district;

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

14 (4) "Public school", any school for elementary or
15 secondary education that is supported and maintained from
16 public funds and is conducted and operated within this state
17 under the authority and supervision of a duly elected local
18 board of education of the school district or a special

19 administrative board appointed by the state board of
20 education under section 162.081;

21 (5) "Resident district", the school district in which
22 the transferring student resides;

23 (6) "Sibling", each of two or more children having a
24 parent in common by blood, adoption, marriage, or foster
25 care;

26 (7) "Socioeconomic status", the income level of a
27 student or the student's family, which shall be measured by
28 whether a student or the student's family meets the
29 financial eligibility criteria for free and reduced price
30 meals offered under federal guidelines;

31 (8) "Superintendent", the superintendent of a school
32 district, the superintendent or chief executive of a charter
33 school, or the superintendent's or chief executive's
34 designee;

35 (9) "Transferring student", a child beginning
36 kindergarten in the child's resident district or a public
37 school student in kindergarten to grade twelve who, in the
38 immediately preceding school year, was enrolled in and
39 completed a full semester in a public school in the
40 student's resident district and who transfers to a
41 nonresident district through a public school open enrollment
42 program under sections 167.1200 to 167.1230;

43 (10) "Transfer year", the school year in which a
44 transferring student attends school in a nonresident
45 district.

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

6 2. School districts and charter schools shall not be
7 required to participate in the public school open enrollment
8 program. Each school district and charter school shall, on
9 or before December first of each year, indicate whether the
10 district or charter school will participate in the public
11 school open enrollment program created in sections 167.1200
12 to 167.1230 in the school year beginning on July first of
13 the following year. If a school district or charter school
14 participates in the public school open enrollment program,
15 the district or charter school shall receive transferring
16 students for the full school year in which the district or
17 charter school participates. This subsection shall not be
18 construed to prevent any student in a nonparticipating
19 school district from transferring out of the
20 nonparticipating district to a participating district or
21 charter school as a transferring student. For the school
22 years 2024-25 and 2025-26, a resident district may restrict
23 the number of students who may transfer to a nonresident
24 district under sections 167.1200 to 167.1230 to a maximum of
25 five percent of the previous school year's enrollment for
26 the resident district.

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

32 4. (1) The department shall develop a model policy
33 for determining the number of transfers available under
34 section 167.1215 and establishing specific standards for
35 acceptance and rejection of transfer applications under
36 section 167.1230. Regardless of whether a nonresident
37 district participates in the public school open enrollment

38 program, the board of education of each school district and
39 the governing body of each charter school shall, by
40 resolution, adopt the department's model policy with any
41 changes necessary for a particular district's or charter
42 school's needs.

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

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

50 (a) The capacity of a school building, grade level,
51 class, or program;

52 (b) The availability of classroom space in each school
53 building;

54 (c) Any class-size limitation;

55 (d) The ratio of students to classroom teachers;

56 (e) The district's or charter school's projected
57 enrollment; and

58 (f) Any characteristics of specific programs affected
59 by additional or fewer students attending because of
60 transfers under the public school open enrollment program.

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

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

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

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

- 71 (a) Academic achievement;
- 72 (b) Athletic or other extracurricular ability;
- 73 (c) Disabilities;
- 74 (d) English proficiency level; or
- 75 (e) Previous disciplinary proceedings; except that,
76 any suspension or expulsion from another district shall be
77 included.

78 (6) A school district or charter school receiving
79 transferring students shall not discriminate on the basis of
80 gender, national origin, race, ethnicity, religion, or
81 disability.

82 5. A nonresident district shall:

- 83 (1) Accept credits toward graduation that were awarded
84 by another district to a transferring student; and
- 85 (2) Award a diploma to a transferring student if the
86 student meets the nonresident district's graduation
87 requirements.

88 6. The superintendent shall cause the information
89 about the public school open enrollment program to be posted
90 on the district or charter school website and in the student
91 handbook to inform parents of students of the:

- 92 (1) Availability of the program established under
93 sections 167.1200 to 167.1230;
- 94 (2) Application deadline; and
- 95 (3) Requirements and procedures for resident and
96 nonresident students to participate in the program.

97 7. If a student wishes to attend a school within a
98 nonresident district that is a magnet school, an
99 academically selective school, or a school with a

100 competitive entrance process that has admissions
101 requirements, the student shall furnish proof that the
102 student meets the admissions requirements in the application
103 described under section 167.1220.

104 8. A nonresident district may deny a transfer to a
105 student who, in the most recent school year:

106 (1) Has been suspended from school two or more times;

107 (2) Has been suspended for an act of school violence
108 or expelled under subsection 2 of section 160.261; or

109 (3) Has been found guilty of any of the offenses
110 listed in subdivisions (1) to (25) subsection 2 of section
111 160.261, regardless of whether the offense was committed on
112 school property.

113 A student whose transfer is initially precluded under this
114 subsection may be permitted to transfer on a provisional
115 basis as a probationary transfer student, subject to no
116 further disruptive behavior, upon approval of the
117 nonresident district's superintendent.

118 9. A student who is denied a transfer under subsection
119 8 of this section has the right to an in-person meeting with
120 the nonresident district's superintendent. The nonresident
121 district shall develop common standards for determining
122 disruptive behavior that shall include, but not be limited
123 to, criteria under section 160.261.

124 10. Students shall not enroll in a nonresident
125 district under sections 167.1200 to 167.1230 in any school
126 year before school year 2024-25.

127 11. (1) As used in this subsection, "school days of
128 enrollment" does not include enrollment in summer school,
129 and "varsity" means the highest level of competition offered
130 by one school or school district against the highest level

131 of competition offered by an opposing school or school
132 district.

133 (2) (a) Except as provided in this paragraph, a
134 student who participates in the public school open
135 enrollment program for purposes of transferring to a
136 nonresident district and attending a grade in grades nine to
137 twelve is ineligible to participate in interscholastic
138 athletics for three hundred sixty-five days unless the
139 student's case meets the standards under the following
140 exceptions:

141 a. If the transfer does not involve undue influence
142 and is not for athletic reasons, a student may be eligible
143 immediately at the school of the student's choice upon first
144 entering when:

145 (i) The student is promoted from grade six to grade
146 seven;

147 (ii) The student is promoted from grade eight to grade
148 nine and the student is eligible in all other respects; or

149 (iii) The student completes the highest grade in an
150 elementary school that is not a part of a system supporting
151 a high school and the student is eligible in all other
152 respects; or

153 b. If a student transfers schools under circumstances
154 that do not meet the requirements under sections 167.1200 to
155 167.1230, such student may be granted eligibility to
156 participate in interscholastic athletics as hereinafter
157 restricted if the student qualifies under the following
158 terms and conditions:

159 (i) A student whose name has been included on a school
160 eligibility roster at any level for a given sport during the
161 twelve calendar months preceding the date of such transfer
162 shall be eligible only for subvarsity competition in such

163 sport for three hundred sixty-five days after the date of
164 transfer. A student may have unrestricted eligibility in
165 all other sports in which such student's name has not
166 appeared on a school eligibility roster;

167 (ii) A student who has attended a school system that
168 does not sponsor interscholastic athletics but who has
169 participated in organized nonschool competition during the
170 twelve calendar months preceding the date of such transfer
171 shall be eligible only for subvarsity competition in such
172 sport for three hundred sixty-five days after the date of
173 transfer. A student may have unrestricted eligibility in
174 all other sports in which such student did not participate;
175 or

176 (iii) Eligibility may be granted as described in item
177 (i) of this subparagraph if the athletic eligibility is
178 approved by the principals of both the resident and
179 nonresident districts and if there is no athletic purpose
180 involved in the transfer. The student shall be ineligible
181 for all sports for three hundred sixty-five days after the
182 date of transfer if either or both principals decline to
183 approve athletic eligibility.

184 (b) Nothing in this section or section 167.1210 shall
185 prevent a statewide athletic association that provides
186 oversight for athletic or activity eligibility for students
187 from imposing a stricter penalty upon any transferring
188 student who is determined to have been unduly influenced to
189 participate in or not to participate in the public school
190 open enrollment program outlined in sections 167.1200 to
191 167.1230.

167.1210. 1. A student who applies to enroll in
2 multiple nonresident districts and accepts a public school

3 open enrollment program transfer to a nonresident district
4 shall accept only one such transfer per school year.

5 2. (1) A student who accepts a public school open
6 enrollment program transfer to a nonresident district shall
7 commit to attend and take all courses through the
8 nonresident district for at least one school year. At least
9 one course per semester shall be delivered by the
10 nonresident district in-seat.

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

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

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

33 4. Except for a transferring student with a
34 socioeconomic status that qualifies the student for

35 transportation costs reimbursement under subsection 6 of
36 this section, the transferring student or the student's
37 parent is responsible for the transportation of the student
38 to and from the school in the nonresident district where the
39 student is enrolled, except that the nonresident district
40 may enter into an agreement with the student's parent that
41 the parent may transport the student to an existing bus stop
42 location convenient to the school district or charter school
43 if the school district or charter school has capacity
44 available on a bus serving that location. If transportation
45 is a related service on a student's individualized education
46 program (IEP) and the student is a participant in the public
47 school open enrollment transfer program, the nonresident
48 district shall not be required to provide such
49 transportation as a related service under the IEP if the
50 nonresident district and the student's parent have entered
51 into an agreement under this subsection. Such agreement
52 shall contain a statement that the parent is waiving the
53 transportation as a related service under the student's IEP.

54 5. Notwithstanding the provisions of chapters 160 and
55 163 to the contrary, for the purposes of determining state
56 and federal aid, a transferring student shall be counted as
57 a resident pupil of the nonresident district in which the
58 student is enrolled.

59 6. (1) Any transferring student who qualifies for
60 free and reduced price meals under federal guidelines and
61 transfers to any nonresident district sharing a border with
62 the student's resident district, or the resident district in
63 which the charter school is located, shall be reimbursed by
64 the parent public school choice fund established in section
65 167.1212 for the costs of transportation of the student as
66 provided in this subsection.

67 (2) The amount of transportation costs eligible for
68 reimbursement shall be, rounded to the nearest dollar, the
69 product obtained by multiplying:

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

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

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

77 (3) The transferring student or the student's parent
78 shall keep a record of each instance of transporting the
79 transferring student to and from the nonresident district's
80 nearest existing bus stop location.

81 (4) All reimbursements made under this subsection to a
82 transferring student or the student's parent shall be made
83 quarterly.

84 7. Nothing in sections 167.1200 to 167.1230 shall be
85 construed to relieve any resident district of its
86 responsibility to pay any costs required under section
87 162.705 or 162.740.

 167.1211. If a nonresident student receives special
2 educational services and participates in the public school
3 open enrollment program, the nonresident district shall
4 receive reimbursement from the parent public school choice
5 fund created in section 167.1212 for the costs of the
6 special educational services for the student with an
7 individualized education program above the state and federal
8 funds received for educating the student. Such
9 reimbursement shall not exceed three times the current
10 expenditure per average daily attendance as calculated on

11 the district's annual secretary of the board report for the
12 year in which expenditures are claimed.

167.1212. 1. There is hereby created in the state
2 treasury the "Parent Public School Choice Fund", which shall
3 consist of an appropriation by the general assembly of sixty
4 million dollars and any additional appropriations made by
5 the general assembly. The state treasurer shall be
6 custodian of the fund. In accordance with sections 30.170
7 and 30.180, the state treasurer shall approve
8 disbursements. The fund shall be a dedicated fund and, upon
9 appropriation, moneys in the fund shall be used solely as
10 provided in sections 167.1200 to 167.1230.

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

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

19 4. Moneys appropriated to and deposited in the fund
20 shall be used to supplement, not supplant, state aid
21 distributed to school districts under chapter 163 and
22 charter schools under section 160.415 and shall be used
23 solely to:

24 (1) Compensate school districts and charter schools
25 that participate in the public school open enrollment
26 program established in sections 167.1200 to 167.1230; and

27 (2) Transfer reimbursements to students who qualify
28 for free and reduced price lunch or to their parents for
29 transportation costs pursuant to subsection 6 of section
30 167.1210.

31 5. The department shall annually evaluate the
32 availability and use of moneys from the fund. If the
33 department determines that additional moneys are needed to
34 fulfill the purposes of this section, the department shall,
35 as part of the legislative budget process, annually request
36 such moneys by a specific line item appropriation.

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

 2. (1) Each school district and charter school shall
9 publish the number set under this section, notify the
10 department, if a school district, or their sponsor, if a
11 charter school, of such number, and shall not be required to
12 accept any transfer students under this section who would
13 cause the district or charter school to exceed the published
14 number.
15

 (2) The school district or charter school may report
16 the total number of students the district or charter school
17 is willing to receive and further delineate the number by
18 building, grade, classroom, or program.
19

 3. (1) Each school district and charter school shall
20 develop a method for the formation and operation of a
21 waiting list for applications that cannot be accepted
22 because the number of transfers applied for exceeds the
23 number of transfers available.
24

25 (2) Applications on the waiting list may be given
26 priority for acceptance in the following order and may
27 include other options for priority acceptance:

28 (a) Siblings of students already enrolled in the
29 district or charter school;

30 (b) Students who had previously attended school in the
31 district but whose parents have moved out of the district;

32 (c) Children of an active duty member of the Armed
33 Forces of the United States;

34 (d) Children of school district or charter school
35 employees; and

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

39 (3) A parent of a student on the waiting list shall be
40 informed by the district or charter school of the details of
41 the operation of the list and whether the parent will be
42 required to refile a timely application for open enrollment
43 in order to remain on the waiting list.

 167.1220. 1. If a student seeks to attend a school in
2 a nonresident district under sections 167.1200 to 167.1230,
3 the student's parent shall submit an application:

4 (1) To the nonresident district, with a copy to the
5 resident district;

6 (2) On a form approved by the department that contains
7 the student's necessary information for enrollment in
8 another district; and

9 (3) Postmarked before February first in the calendar
10 year preceding the school year in which the student seeks to
11 begin the fall semester at the nonresident district.

12 2. A nonresident district that receives an application
13 under subsection 1 of this section shall, upon receipt of

14 the application, place a date and time stamp on the
15 application that reflects the date and time the nonresident
16 district received the application.

17 3. As soon as possible after receiving an application,
18 but no later than thirty days after the receipt of an
19 application, the superintendent of the nonresident district
20 shall review and make a determination on each application in
21 the order in which the application was received by the
22 nonresident district. Before accepting or rejecting an
23 application, the superintendent shall determine whether one
24 of the limitations under section 167.1225 applies to the
25 application.

26 4. The superintendent of the nonresident district may
27 accept an application. If the superintendent rejects an
28 application, the superintendent shall present the rejected
29 application with the superintendent's reasons for the
30 rejection to the school board or governing body of the
31 charter school for review. The school board or governing
32 body may accept or reject such application, but no rejection
33 shall be final without a majority vote of the school board
34 or governing body to confirm the superintendent's rejection
35 of the application.

36 5. (1) As used in this subsection, "good cause" means:

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

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

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

42 (d) A guardianship or custody proceeding;

43 (e) Placement in foster care;

44 (f) Adoption;

45 (g) Participation in a foreign exchange program;

46 (h) Participation in a substance abuse or mental
47 health treatment program;

48 (i) A change in the status of a student's resident
49 district such as removal of accreditation by the department,
50 surrender of accreditation, or permanent closure of a
51 nonpublic school; or

52 (j) Revocation of a charter school contract as
53 provided in state law.

54 (2) On or after February first of the calendar year
55 preceding the school year in which the student seeks to
56 begin the fall semester at the nonresident district but
57 before July first of such school year, or before the first
58 Monday in July if July first falls on a Saturday or Sunday,
59 the parent shall send notification to the resident district
60 and the nonresident district, on forms prescribed by the
61 state board of education, that good cause exists for failure
62 to meet the February first deadline. The school board or
63 governing body of a nonresident district may adopt a policy
64 granting the superintendent the authority to approve
65 applications submitted under sections 167.1200 to 167.1230
66 after the February first deadline. The school board or
67 governing body of the nonresident district shall take action
68 to approve the request if good cause exists. If the request
69 is granted, the school board or governing body shall
70 transmit a copy of the form to the parent and the resident
71 district within five days after school board or governing
72 body action. A denial of a request by the board or
73 governing body of a nonresident district is not subject to
74 appeal.

75 (3) If the good cause relates to a change in status of
76 a student's resident district, a parent shall file such
77 notification within forty-five days after the last school

78 board or governing body action or within thirty days after
79 the certification of the election, whichever is applicable
80 to the circumstances.

81 (4) If a resident district believes that a nonresident
82 district is violating this subsection, the resident district
83 may, within fifteen days after school board or governing
84 body action by the nonresident district, submit an appeal to
85 the commissioner of education or, in the event of a charter
86 school as the nonresident district, submit an appeal to a
87 panel of three individuals selected by the Missouri Charter
88 Public School Commission.

89 (5) The commissioner of education or the
90 commissioner's designee or, in the case of a charter school,
91 the three member panel selected by the Missouri Charter
92 Public School Commission, shall attempt to mediate the
93 dispute to reach approval by both the resident school board
94 and the nonresident school board or governing body of the
95 charter school. If approval is not reached under mediation,
96 the commissioner or the three member panel shall conduct a
97 hearing and shall hear testimony from both the resident
98 school board and the nonresident school board or governing
99 body of the charter school. Within ten days following the
100 hearing, the commissioner or the three member panel shall
101 render a decision upholding or reversing the decision by the
102 school board or governing body of the nonresident district.
103 Within five days after the commissioner's or three member
104 panel's decision, the school board or governing body may
105 appeal the decision of the commissioner to the state board
106 of education as provided in state law or may appeal the
107 decision of the three member panel to the full board of the
108 Missouri Charter Public School Commission.

109 6. (1) Before February first of the school year
110 before the school year in which the transferring student
111 seeks to enroll in a nonresident district under sections
112 167.1200 to 167.1230, the nonresident district's
113 superintendent shall notify the parent and the resident
114 district, in writing, as to whether the student's
115 application has been accepted or rejected. The notification
116 shall be sent by first-class mail to the address on the
117 application.

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

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

124 (a) A reasonable deadline before which the student
125 shall enroll in the nonresident district and after which the
126 acceptance notification is void; and

127 (b) Instructions for the procedures established by the
128 nonresident district for renewing enrollment in the
129 nonresident district each year.

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

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

11 segregation or subject to a settlement agreement remedying
12 the effects of past racial segregation.

13 (2) An exemption declared by a board of education of a
14 school district under subdivision (1) of this subsection is
15 irrevocable for one year from the date the school district
16 notifies the department of the declaration of exemption.

17 (3) After each year of exemption, the board of
18 education of a school district may elect to participate in
19 the public school open enrollment program under sections
20 167.1200 to 167.1230 if the school district's participation
21 does not conflict with the school district's federal court-
22 ordered desegregation program or settlement agreement
23 remedying the effects of past racial segregation.

24 (4) A school district shall notify the department
25 before April first if in the next school year the school
26 district intends to:

27 (a) Declare an exemption under subdivision (1) of this
28 subsection; or

29 (b) Resume participation after a period of exemption.

30 (5) Annually before June first, the department shall
31 report to each school district the maximum number of public
32 school open enrollment program transfers for the school year
33 to begin July first.

34 (6) If a student is unable to transfer because of the
35 limits under this subsection, the nonresident district shall
36 give the student priority for a transfer in the following
37 school year in the order that the nonresident district
38 receives notices of application under section 167.1220, as
39 evidenced by a notation made by the district on the
40 applications indicating the date and time of receipt.

41 3. (1) Any student who transfers to a nonresident
42 district under section 167.131, sections 162.1040 to

43 162.1061, or any section other than sections 167.1200 to
44 167.1230 shall not be subject to any requirements under
45 sections 167.1200 to 167.1230.

46 (2) Districts receiving transfer students or sending
47 transfer students to nonresident districts under section
48 167.131, sections 162.1040 to 162.1061, or any section other
49 than sections 167.1200 to 167.1230 shall not be subject to
50 any requirements under sections 167.1200 to 167.1230 for
51 those transfer students.

52 4. A student transferring to a nonresident district
53 under sections 167.1200 to 167.1230 shall not be considered
54 a transfer student under any law relating to another
55 transfer program or procedure that allows students to
56 transfer out of their resident districts.

167.1230. 1. A student whose application for a
2 transfer under section 167.1220 is rejected by the
3 nonresident district may appeal to the department to
4 reconsider the transfer in the case of a transfer request to
5 a school district. In the event of a transfer request to a
6 charter school, the student may appeal to a three member
7 panel selected by the Missouri Charter Public School
8 Commission.

9 2. An appeal to the department or the three member
10 panel shall be in writing and shall be postmarked no later
11 than ten calendar days, excluding weekends and legal
12 holidays, after the student or the student's parent receives
13 a notice of rejection of the application under section
14 167.1220.

15 3. Contemporaneously with the filing of the written
16 appeal under subsection 2 of this section, the student or
17 the student's parent shall also mail a copy of the written
18 appeal to the nonresident district's superintendent.

19 4. In the written appeal, the student or student's
20 parent shall state the basis for appealing the decision of
21 the nonresident district.

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

25 6. As part of the review process, the student or
26 student's parent may submit supporting documentation that
27 the transfer would be in the best educational, health,
28 social, or psychological interest of the student.

29 7. The nonresident district may submit in writing any
30 additional information, evidence, or arguments supporting
31 the district's rejection of the student's application by
32 mailing such response to the department or the three member
33 panel. Such response shall be postmarked no later than ten
34 days after the nonresident district receives the student's
35 or parent's appeal.

36 8. Contemporaneously with the filing of its response
37 under subsection 7 of this section, the nonresident district
38 shall also mail a copy of the response to the student or
39 student's parent.

40 9. If the department or the three member panel
41 overturns the determination of the nonresident district on
42 appeal, the department or the three member panel shall
43 notify the parent, the nonresident district, and the
44 resident district of the basis for the department's decision.

45 10. (1) The department shall collect data from school
46 districts and each charter school sponsor shall collect data
47 from the charter schools it sponsors on the number of
48 applications for student transfers under sections 167.1200
49 to 167.1230 and study the effects of public school open

50 enrollment program transfers under sections 167.1200 to
51 167.1230.

52 (2) Annually before October first, the department and
53 each sponsor shall report the department's and sponsor's
54 findings from the study of the data under subdivision (1) of
55 this subsection to:

56 (a) The joint committee on education or any successor
57 committee;

58 (b) The house committee on elementary and secondary
59 education or any other education committee designated by the
60 speaker of the house of representatives; and

61 (c) The senate committee on education or any other
62 education committee designated by the president pro tempore
63 of the senate.

64 11. The department shall annually make a random
65 selection of ten percent of the school districts and each
66 charter school sponsor shall make a random selection of at
67 least one charter school participating in the public school
68 open enrollment program under sections 167.1200 to
69 167.1230. The audit shall be of each school's transfers
70 approved or denied under policies adopted by the school
71 board or governing body under sections 167.1200 to
72 167.1230. If the department or charter school sponsor
73 determines that a selected school district or charter school
74 is improperly implementing and administering the transfer
75 process established under sections 167.1200 to 167.1230, the
76 department may withhold any state aid provided to the school
77 district under chapter 163 or section 160.415 until the
78 school district or charter school corrects the transfer
79 process improprieties identified by the department's audit.

Section B. The enactment of sections 167.1200,
2 167.1205, 167.1210, 167.1211, 167.1212, 167.1215, 167.1220,

3 167.1225, and 167.1230 and the repeal and reenactment of
4 sections 167.020 and 167.151 of this act shall become
5 effective July 1, 2024.

