

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 215 & 70

103RD GENERAL ASSEMBLY

0621S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.410, 160.415, 162.081, 167.132, 167.151, 167.241, 167.895, and 167.898, RSMo, and to enact in lieu thereof seven new sections relating to admission of nonresident students.

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

Section A. Sections 160.410, 160.415, 162.081, 167.132, 167.151, 167.241, 167.895, and 167.898, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 160.410, 160.415, 162.081, 167.151, 167.241, 167.895, and 167.898, to read as follows:

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer **[from an unaccredited district]** under section 167.895, **[provided that the charter school is an approved charter school, as defined in section 167.895, and]** subject to all other provisions of section 167.895;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional

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

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.

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

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

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

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

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

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

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

75 (1) The school's charter;

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

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

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

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

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

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

160.415. 1. For the purposes of calculation and
2 distribution of state school aid under section 163.031,
3 pupils enrolled in a charter school shall be included in the
4 pupil enrollment of the school district within which each
5 pupil resides. Each charter school shall report the
6 eligibility for free and reduced price lunch, special
7 education, or limited English proficiency status, as well as
8 eligibility for categorical aid, of pupils resident in a
9 school district who are enrolled in the charter school to
10 the school district in which those pupils reside. The
11 charter school shall report the average daily attendance
12 data, free and reduced price lunch count, special education
13 pupil count, and limited English proficiency pupil count to
14 the state department of elementary and secondary education.
15 Each charter school shall promptly notify the state
16 department of elementary and secondary education and the
17 pupil's school district when a pupil discontinues enrollment
18 at a charter school.

19 2. Except as provided in subsections 3 and 4 of this
20 section, the aid payments for charter schools shall be as
21 described in this subsection.

22 (1) A school district having one or more resident
23 pupils attending a charter school shall pay to the charter
24 school an annual amount equal to the product of the charter
25 school's weighted average daily attendance and the state
26 adequacy target, multiplied by the dollar value modifier for
27 the district, plus local tax revenues per weighted average
28 daily attendance from the incidental and teachers' funds in
29 excess of the performance levy as defined in section 163.011
30 plus all other state aid attributable to such pupils.

31 (2) The district of residence of a pupil attending a
32 charter school shall also pay to the charter school any

33 other federal or state aid that the district receives on
34 account of such pupil.

35 (3) If the department overpays or underpays the amount
36 due to the charter school, such overpayment or underpayment
37 shall be repaid by the charter school or credited to the
38 charter school in twelve equal payments in the next fiscal
39 year.

40 (4) The amounts provided pursuant to this subsection
41 shall be prorated for partial year enrollment for a pupil.

42 (5) A school district shall pay the amounts due
43 pursuant to this subsection as the disbursal agent and no
44 later than twenty days following the receipt of any such
45 funds. The department of elementary and secondary education
46 shall pay the amounts due when it acts as the disbursal
47 agent within five days of the required due date.

48 3. A workplace charter school shall receive payment
49 for each eligible pupil as provided under subsection 2 of
50 this section, except that if the pupil is not a resident of
51 the district and is participating in a voluntary
52 interdistrict transfer program, the payment for such pupils
53 shall be the same as provided under section 162.1060.

54 4. A charter school that has declared itself as a
55 local educational agency shall receive from the department
56 of elementary and secondary education an annual amount equal
57 to the product of the charter school's weighted average
58 daily attendance and the state adequacy target, multiplied
59 by the dollar value modifier for the district, plus local
60 tax revenues per weighted average daily attendance from the
61 incidental and teachers funds in excess of the performance
62 levy as defined in section 163.011 plus all other state aid
63 attributable to such pupils. If a charter school declares
64 itself as a local educational agency, the department of

65 elementary and secondary education shall, upon notice of the
66 declaration, reduce the payment made to the school district
67 by the amount specified in this subsection and pay directly
68 to the charter school the annual amount reduced from the
69 school district's payment.

70 5. If a school district fails to make timely payments
71 of any amount for which it is the disbursal agent, the state
72 department of elementary and secondary education shall
73 authorize payment to the charter school of the amount due
74 pursuant to subsection 2 of this section and shall deduct
75 the same amount from the next state school aid apportionment
76 to the owing school district. If a charter school is paid
77 more or less than the amounts due pursuant to this section,
78 the amount of overpayment or underpayment shall be adjusted
79 equally in the next twelve payments by the school district
80 or the department of elementary and secondary education, as
81 appropriate. Any dispute between the school district and a
82 charter school as to the amount owing to the charter school
83 shall be resolved by the department of elementary and
84 secondary education, and the department's decision shall be
85 the final administrative action for the purposes of review
86 pursuant to chapter 536. During the period of dispute, the
87 department of elementary and secondary education shall make
88 every administrative and statutory effort to allow the
89 continued education of students in their current charter
90 school setting.

91 6. The charter school and a local school board may
92 agree by contract for services to be provided by the school
93 district to the charter school. The charter school may
94 contract with any other entity for services. Such services
95 may include but are not limited to food service, custodial
96 service, maintenance, management assistance, curriculum

97 assistance, media services and libraries and shall be
98 subject to negotiation between the charter school and the
99 local school board or other entity. Documented actual costs
100 of such services shall be paid for by the charter school.

101 7. In the case of a proposed charter school that
102 intends to contract with an education service provider for
103 substantial educational services or management services, the
104 request for proposals shall additionally require the charter
105 school applicant to:

106 (1) Provide evidence of the education service
107 provider's success in serving student populations similar to
108 the targeted population, including demonstrated academic
109 achievement as well as successful management of nonacademic
110 school functions, if applicable;

111 (2) Provide a term sheet setting forth the proposed
112 duration of the service contract; roles and responsibilities
113 of the governing board, the school staff, and the service
114 provider; scope of services and resources to be provided by
115 the service provider; performance evaluation measures and
116 time lines; compensation structure, including clear
117 identification of all fees to be paid to the service
118 provider; methods of contract oversight and enforcement;
119 investment disclosure; and conditions for renewal and
120 termination of the contract;

121 (3) Disclose any known conflicts of interest between
122 the school governing board and proposed service provider or
123 any affiliated business entities;

124 (4) Disclose and explain any termination or nonrenewal
125 of contracts for equivalent services for any other charter
126 school in the United States within the past five years;

127 (5) Ensure that the legal counsel for the charter
128 school shall report directly to the charter school's
129 governing board; and

130 (6) Provide a process to ensure that the expenditures
131 that the education service provider intends to bill to the
132 charter school shall receive prior approval of the governing
133 board or its designee.

134 8. A charter school may enter into contracts with
135 community partnerships and state agencies acting in
136 collaboration with such partnerships that provide services
137 to students and their families linked to the school.

138 9. A charter school shall be eligible for
139 transportation state aid pursuant to section 163.161 and
140 shall be free to contract with the local district, or any
141 other entity, for the provision of transportation to the
142 students of the charter school.

143 10. (1) The proportionate share of state and federal
144 resources generated by students with disabilities or staff
145 serving them shall be paid in full to charter schools
146 enrolling those students by their school district where such
147 enrollment is through a contract for services described in
148 this section. The proportionate share of money generated
149 under other federal or state categorical aid programs shall
150 be directed to charter schools serving such students
151 eligible for that aid.

152 (2) A charter school shall provide the special
153 services provided pursuant to section 162.705 and may
154 provide the special services pursuant to a contract with a
155 school district or any provider of such services.

156 11. A charter school shall not charge tuition or
157 impose fees that a school district is prohibited from
158 charging or imposing[, except that a charter school may

159 receive tuition payments from districts in the same or an
160 adjoining county for nonresident students who transfer to an
161 approved charter school, as defined in section 167.895, from
162 an unaccredited district].

163 12. A charter school is authorized to incur debt in
164 anticipation of receipt of funds. A charter school may also
165 borrow to finance facilities and other capital items. A
166 school district may incur bonded indebtedness or take other
167 measures to provide for physical facilities and other
168 capital items for charter schools that it sponsors or
169 contracts with. Except as otherwise specifically provided
170 in sections 160.400 to 160.425, upon the dissolution of a
171 charter school, any liabilities of the corporation will be
172 satisfied through the procedures of chapter 355. A charter
173 school shall satisfy all its financial obligations within
174 twelve months of notice from the sponsor of the charter
175 school's closure under subsection 8 of section 160.405.
176 After satisfaction of all its financial obligations, a
177 charter school shall return any remaining state and federal
178 funds to the department of elementary and secondary
179 education for disposition as stated in subdivision (17) of
180 subsection 1 of section 160.405. The department of
181 elementary and secondary education may withhold funding at a
182 level the department determines to be adequate during a
183 school's last year of operation until the department
184 determines that school records, liabilities, and reporting
185 requirements, including a full audit, are satisfied.

186 13. Charter schools shall not have the power to
187 acquire property by eminent domain.

188 14. The governing board of a charter school is
189 authorized to accept grants, gifts or donations of any kind
190 and to expend or use such grants, gifts or donations. A

191 grant, gift or donation shall not be accepted by the
192 governing board if it is subject to any condition contrary
193 to law applicable to the charter school or other public
194 schools, or contrary to the terms of the charter.

195 15. In addition to any state aid remitted to charter
196 schools under this section, the department of elementary and
197 secondary education shall remit to any charter school an
198 amount equal to the weighted average daily attendance of the
199 charter school multiplied by the difference of:

200 (1) The amount of state aid and local aid per weighted
201 average daily attendance received by the school district in
202 which the charter school is located, not including any funds
203 remitted to charter schools in the district. For the
204 purposes of this subdivision, the weighted average daily
205 attendance of the school district shall not include the
206 weighted average daily attendance of the charter schools
207 located in the district; and

208 (2) The amount of state aid and local aid per weighted
209 average daily attendance of the charter school received by
210 the charter school.

211 16. Charter schools may adjust weighted average daily
212 attendance pursuant to section 163.036.

213 17. When calculating the amounts in subdivisions (1)
214 and (2) of subsection 15 of this section, the department
215 shall utilize the most current data to which the department
216 has access.

217 18. For the purposes of subsection 15 of this section:

218 (1) The definitions contained in section 163.011,
219 shall apply;

220 (2) The term "local aid" shall mean all local and
221 county revenue received, including, but not limited to, the
222 following:

- 223 (a) Property taxes and delinquent taxes;
224 (b) Merchants' and manufacturers' tax revenues;
225 (c) Financial institutions' tax revenues;
226 (d) City sales tax revenue, including city sales tax
227 collected in any city not within a county;
228 (e) Payments in lieu of taxes; and
229 (f) Revenues from state-assessed railroad and
230 utilities tax;
- 231 (3) The term local aid shall not be construed to
232 include:
- 233 (a) Charitable contributions, gifts, and grants made
234 to school districts;
- 235 (b) Interest earnings of school districts and student
236 fees paid to school districts;
- 237 (c) Debt service authorized by a public vote for the
238 purpose of making payments on a bond issuance of a school
239 district;
- 240 (d) Proposition C revenues received for school
241 purposes from the school district trust fund under section
242 163.087; or
- 243 (e) Any other funding solely intended for a particular
244 school district or their respective employees, schools,
245 foundations, or organizations;
- 246 (4) The term "state aid" shall mean any revenues
247 received pursuant to this section and sections 163.043 and
248 163.087.
- 249 19. Notwithstanding any other provision of law to the
250 contrary, subsections 15 to 18 of this section shall be
251 applicable to charter schools operated only in the following
252 school districts, provided that no such school district
253 shall be located in a county with more than one hundred

254 fifty thousand but fewer than two hundred thousand
255 inhabitants:

256 (1) In a metropolitan school district;

257 (2) In an urban school district containing most or all
258 of a city with more than four hundred thousand inhabitants
259 and located in more than one county;

260 (3) In a school district that has been classified as
261 unaccredited by the state board of education;

262 (4) In a school district that has been classified as
263 provisionally accredited by the state board of education and
264 has received scores on its annual performance report
265 consistent with a classification of provisionally accredited
266 or unaccredited for three consecutive school years beginning
267 with the 2012-13 accreditation year under the conditions
268 described in paragraphs (a) and (b) of subdivision (4) of
269 subsection 2 of section 160.400; or

270 (5) In a school district that has been accredited
271 without provisions, sponsored only by the local school board
272 under the conditions described in subdivision (6) of
273 subsection 2 of section 160.400.

274 20. (1) The members of the governing board of a
275 charter school shall be residents of the state of Missouri.

276 (2) Any current member of a governing board of a
277 charter school who does not meet the requirements in
278 subdivision (1) of this subsection may complete their term.
279 Such individual shall not be renominated as a member of the
280 governing board on which he or she sits.

281 21. (1) Any charter school management company
282 operating a charter school in the state shall be a nonprofit
283 corporation incorporated pursuant to chapter 355.

284 (2) Notwithstanding any provision of law to the
285 contrary, if a charter school is operated by a charter

286 school management company, all laws and regulations that
287 apply to employees of such charter school shall apply to the
288 actions of any employees of the management company while
289 they are conducting any work relating to the direct decision-
290 making of the operation of such charter school.

291 22. Beginning July 1, 2023, the provisions of section
292 160.995 shall be applicable to charter schools.

293 23. Each charter school shall publish its annual
294 performance report on the school's website in a downloadable
295 format.

162.081. 1. Whenever any school district in this
2 state fails or refuses in any school year to provide for the
3 minimum school term required by section 163.021 or is
4 classified unaccredited, the state board of education shall,
5 upon a district's initial classification or reclassification
6 as unaccredited:

7 (1) Review the governance of the district to establish
8 the conditions under which the existing school board shall
9 continue to govern; or

10 (2) Determine the date the district shall lapse and
11 determine an alternative governing structure for the
12 district.

13 2. If at the time any school district in this state
14 shall be classified as unaccredited, the department of
15 elementary and secondary education shall conduct at least
16 two public hearings at a location in the unaccredited school
17 district regarding the accreditation status of the school
18 district. The hearings shall provide an opportunity to
19 convene community resources that may be useful or necessary
20 in supporting the school district as it attempts to return
21 to accredited status, continues under revised governance, or
22 plans for continuity of educational services and resources

23 upon its attachment to a neighboring district. The
24 department may request the attendance of stakeholders and
25 district officials to review the district's plan to return
26 to accredited status, if any; offer technical assistance;
27 and facilitate and coordinate community resources. Such
28 hearings shall be conducted at least twice annually for
29 every year in which the district remains unaccredited or
30 provisionally accredited.

31 3. Upon classification of a district as unaccredited,
32 the state board of education may:

33 (1) Allow continued governance by the existing school
34 district board of education under terms and conditions
35 established by the state board of education; or

36 (2) Lapse the corporate organization of all or part of
37 the unaccredited district and:

38 (a) Appoint a special administrative board for the
39 operation of all or part of the district. If a special
40 administrative board is appointed for the operation of a
41 part of a school district, the state board of education
42 shall determine an equitable apportionment of state and
43 federal aid for the part of the district and the school
44 district shall provide local revenue in proportion to the
45 weighted average daily attendance of the part. The number
46 of members of the special administrative board shall not be
47 less than five, the majority of whom shall be residents of
48 the district. The members of the special administrative
49 board shall reflect the population characteristics of the
50 district and shall collectively possess strong experience in
51 school governance, management and finance, and leadership.
52 The state board of education may appoint members of the
53 district's elected school board to the special
54 administrative board, but members of the elected school

55 board shall not comprise more than forty-nine percent of the
56 special administrative board's membership. Within fourteen
57 days after the appointment by the state board of education,
58 the special administrative board shall organize by the
59 election of a president, vice president, secretary and a
60 treasurer, with their duties and organization as enumerated
61 in section 162.301. The special administrative board shall
62 appoint a superintendent of schools to serve as the chief
63 executive officer of the school district, or a subset of
64 schools, and to have all powers and duties of any other
65 general superintendent of schools in a seven-director school
66 district. Any special administrative board appointed under
67 this section shall be responsible for the operation of the
68 district or part of the district until such time that the
69 district is classified by the state board of education as
70 provisionally accredited for at least two successive
71 academic years, after which time the state board of
72 education may provide for a transition pursuant to section
73 162.083; or

74 (b) Determine an alternative governing structure for
75 the district including, at a minimum:

76 a. A rationale for the decision to use an alternative
77 form of governance and in the absence of the district's
78 achievement of full accreditation, the state board of
79 education shall review and recertify the alternative form of
80 governance every three years;

81 b. A method for the residents of the district to
82 provide public comment after a stated period of time or upon
83 achievement of specified academic objectives;

84 c. Expectations for progress on academic achievement,
85 which shall include an anticipated time line for the
86 district to reach full accreditation; and

87 d. Annual reports to the general assembly and the
88 governor on the progress towards accreditation of any
89 district that has been declared unaccredited and is placed
90 under an alternative form of governance, including a review
91 of the effectiveness of the alternative governance; or

92 (c) Attach the territory of the lapsed district to
93 another district or districts for school purposes; or

94 (d) Establish one or more school districts within the
95 territory of the lapsed district, with a governance
96 structure specified by the state board of education, with
97 the option of permitting a district to remain intact for the
98 purposes of assessing, collecting, and distributing property
99 taxes, to be distributed equitably on a weighted average
100 daily attendance basis, but to be divided for operational
101 purposes, which shall take effect sixty days after the
102 adjournment of the regular session of the general assembly
103 next following the state board's decision unless a statute
104 or concurrent resolution is enacted to nullify the state
105 board's decision prior to such effective date.

106 4. If a district remains under continued governance by
107 the school board under subdivision (1) of subsection 3 of
108 this section and either has been unaccredited for three
109 consecutive school years and failed to attain accredited
110 status after the third school year or has been unaccredited
111 for two consecutive school years and the state board of
112 education determines its academic progress is not consistent
113 with attaining accredited status after the third school
114 year, then the state board of education shall proceed under
115 subdivision (2) of subsection 3 of this section in the
116 following school year.

117 5. A special administrative board or any other form of
118 governance appointed under this section shall retain the

119 authority granted to a board of education for the operation
120 of the lapsed school district under the laws of the state in
121 effect at the time of the lapse and may enter into contracts
122 with accredited school districts or other education service
123 providers in order to deliver high-quality educational
124 programs to the residents of the district. If a student
125 graduates while attending a school building in the district
126 that is operated under a contract with an accredited school
127 district as specified under this subsection, the student
128 shall receive his or her diploma from the accredited school
129 district. The authority of the special administrative board
130 or any other form of governance appointed under this section
131 shall expire at the end of the third full school year
132 following its appointment, unless extended by the state
133 board of education. If the lapsed district is reassigned,
134 the governing board prior to lapse shall provide an
135 accounting of all funds, assets and liabilities of the
136 lapsed district and transfer such funds, assets, and
137 liabilities of the lapsed district as determined by the
138 state board of education. Neither the special
139 administrative board nor any other form of governance
140 appointed under this section nor its members or employees
141 shall be deemed to be the state or a state agency for any
142 purpose, including section 105.711, et seq. The state of
143 Missouri, its agencies and employees shall be absolutely
144 immune from liability for any and all acts or omissions
145 relating to or in any way involving the lapsed district, a
146 special administrative board, any other form of governance
147 appointed under this section, or the members or employees of
148 the lapsed district, a special administrative board, or any
149 other form of governance appointed under this section. Such
150 immunities, and immunity doctrines as exist or may hereafter

151 exist benefitting boards of education, their members and
152 their employees shall be available to the special
153 administrative board or any other form of governance
154 appointed under this section and the members and employees
155 of the special administrative board or any other form of
156 governance appointed under this section.

157 6. Neither the special administrative board nor any
158 other form of governance appointed under this section nor
159 any district or other entity assigned territory, assets or
160 funds from a lapsed district shall be considered a successor
161 entity for the purpose of employment contracts, unemployment
162 compensation payment pursuant to section 288.110, or any
163 other purpose.

164 7. If additional teachers are needed by a district as
165 a result of increased enrollment due to the annexation of
166 territory of a lapsed or dissolved district, such district
167 shall grant an employment interview to any permanent teacher
168 of the lapsed or dissolved district upon the request of such
169 permanent teacher.

170 8. In the event that a school district with an
171 enrollment in excess of five thousand pupils lapses, no
172 school district shall have all or any part of such lapsed
173 school district attached without the approval of the board
174 of the receiving school district.

175 9. If the state board of education reasonably believes
176 that a school district is unlikely to provide for the
177 minimum school term required by section 163.021 because of
178 financial difficulty, the state board of education may,
179 prior to the start of the school term:

180 (1) Allow continued governance by the existing
181 district school board under terms and conditions established
182 by the state board of education; or

183 (2) Lapse the corporate organization of the district
184 and implement one of the options available under subdivision
185 (2) of subsection 3 of this section.

186 10. The provisions of subsection 9 of this section
187 shall not apply to any district solely on the basis of
188 financial difficulty resulting from paying **[tuition] costs**
189 **associated with the provision of special education and**
190 **related services** and providing transportation for transfer
191 students under sections 167.895 and 167.898.

 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.

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 children to the public schools of more than one district
69 shall exercise such option as provided in this subsection.
70 Such person shall send written notice to all school
71 districts involved specifying to which school district his
72 children will attend by June thirtieth in which such a
73 school year begins. If notification is not received, such
74 children shall attend the school in which the majority of
75 his property lies. Such person shall not send any of his
76 children to the public schools of any district other than
77 the one to which he has sent notice pursuant to this
78 subsection in that school year or in which the majority of
79 his property lies without paying tuition to such school
80 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.

167.241. 1. Except as otherwise provided under this
2 section, transportation for pupils whose tuition the
3 district of residence is required to pay by section 167.131
4 or who are assigned as provided in section 167.121 shall be
5 provided by the district of residence.

6 2. In the case of pupils covered by section 167.131,
7 the district of residence shall be required to provide
8 transportation only to school districts accredited by the
9 state board of education pursuant to the authority of the
10 state board of education to classify schools as established
11 in section 161.092, and those school districts designated by
12 the board of education of the district of residence.

13 3. [(1) For purposes of this subsection, "approved
14 charter school" has the same meaning given to the term under
15 section 167.895.]

16 (2) For pupils [covered by] **transferring to another**
17 **school district or charter school pursuant to the provisions**
18 **of** section 167.895, the district of residence shall be
19 required to provide transportation only to school districts
20 or [approved] charter schools designated by the department
21 of elementary and secondary education or its designee. For
22 **such** pupils [covered by section 167.895], the department of
23 elementary and secondary education or its designee shall
24 designate at least one [accredited] **school** district or

25 [approved] charter school to which the district of residence
26 shall provide transportation. If the designated district or
27 charter school reaches full student capacity and is unable
28 to receive additional students, the department of elementary
29 and secondary education or its designee shall designate at
30 least one additional [accredited] **school** district or
31 [approved] charter school to which the district of residence
32 shall provide transportation.

167.895. 1. For purposes of this section and section
2 167.898, the following terms mean:

3 (1) ["Approved charter school", a charter school that
4 has existed for less than three years or a charter school
5 with a three-year average score consistent with a
6 classification of accredited without provisions on its
7 annual performance report] **"Charter school", an independent
8 public school established pursuant to the provisions of
9 sections 160.400 to 160.425;**

10 (2) ["Attendance center", a public school building,
11 public school buildings, or part of a public school building
12 that offers education in a grade or grades not higher than
13 the twelfth grade and that constitutes one unit for
14 accountability and reporting purposes for the department of
15 elementary and secondary education;

16 (3) "Available receiving district", a school district
17 able to receive transfer students under this section;

18 (4) "Receiving district", a school district receiving
19 transfer students under this section;

20 [(5)] (3) "Sending district", a school district from
21 which students are transferring to a receiving district or
22 [approved] charter school, as allowed under this section.

23 2. (1) Any student may transfer to another public
24 school [in the student's district of residence if such

25 student is enrolled in and has attended, for the full
26 semester immediately prior to requesting the transfer, an
27 attendance center:

28 (a) That is located within an unaccredited district;
29 and

30 (b) That has an annual performance report score
31 consistent with a classification of unaccredited] **pursuant**
32 **to the provisions of this section beginning in the 2026-27**
33 **school year and in all subsequent school years.** However, no
34 such transfer shall result in a class size and assigned
35 enrollment in a receiving school that exceeds the standards
36 for class size and assigned enrollment as promulgated in the
37 Missouri school improvement program's resource standards.
38 If the student chooses to attend a magnet school, an
39 academically selective school, or a school with a
40 competitive entrance process within his or her district of
41 residence that has admissions requirements, the student
42 shall meet the admissions requirements in order to attend.

43 (2) The school board of each [unaccredited] **school**
44 district shall determine the capacity at each [of the
45 district's attendance centers that has an annual performance
46 report score consistent with a classification of accredited]
47 **grade level and each school, and shall accept all transfer**
48 **students who apply and are assigned to the school district**
49 **as provided in section 167.898 so long as there is capacity**
50 **in the requested grade level and school.** The district's
51 school board shall be responsible for coordinating transfers
52 within the district as allowed under this subsection, **and**
53 **school board policies governing transfers shall not**
54 **discriminate against any student on the basis of his or her**
55 **residential address, academic performance, athletic ability,**

56 **disability, race, ethnicity, sex, or free and reduced price**
57 **lunch status.**

58 (3) The school board of each **[unaccredited] school**
59 district shall **[annually]** report to the department of
60 elementary and secondary education or its designee the
61 number of available slots in **[attendance centers within the**
62 **district that have annual performance report scores**
63 **consistent with a classification of accredited] each grade**
64 **level and each school,** the number of students who request to
65 transfer within the district, and the number of such
66 transfer requests that are granted **and denied by July 15,**
67 **2026, and by the first day of each month thereafter. The**
68 **department of elementary and secondary education shall**
69 **publish and update the capacity of each district's grade**
70 **levels and schools on its website.**

71 3. **[(1) Any student who is eligible to transfer**
72 **within his or her district under subsection 2 of this**
73 **section but who is unable to do so due to a lack of capacity**
74 **in the attendance centers in his or her district of**
75 **residence may apply to the department of elementary and**
76 **secondary education or its designee to transfer to:**

77 (a) An attendance center:

78 a. That is located within an accredited district that
79 is located in the same or an adjoining county; and

80 b. That has an annual performance report score
81 consistent with a classification of accredited; or

82 (b) An approved charter school located in another
83 district in the same or an adjoining county.

84 (2) A student who is eligible to begin kindergarten or
85 first grade at an attendance center:

86 (a) That is located within an unaccredited district;

87 (b) That has an annual performance report score
88 consistent with a classification of unaccredited; and
89 (c) That offers classes above the second grade level
90 may apply to the department of elementary and secondary
91 education or its designee for a transfer to a school
92 described under paragraph (a) or (b) of subdivision (1) of
93 this subsection if he or she resides in the attendance area
94 of the attendance center described under this subdivision on
95 March first preceding the school year of first attendance.
96 A student who does not apply by March first for enrollment
97 in any school year after the 2019-20 school year shall be
98 required to enroll and attend the attendance center
99 described under this subdivision for one semester to become
100 eligible.

101 (3) If a student who is eligible to transfer under
102 this subsection chooses to apply to attend a magnet school,
103 an academically selective school, or a school with a
104 competitive entrance process that has admissions
105 requirements, the student shall furnish proof that he or she
106 meets the admissions requirements.

107 [(4) Any student who does not maintain residency in
108 the attendance area of his or her attendance center in the
109 district of residence shall lose eligibility to transfer.

110 (5) Except as provided under subsection 7 of this
111 section, any student who transfers but later withdraws shall
112 lose eligibility to transfer.

113 (6) The transfer provisions of this subsection shall
114 not apply to a district created under sections 162.815 to
115 162.840 or to any early childhood programs or early
116 childhood special education programs.

117 4. (1) No student enrolled in and attending an
118 attendance center that does not offer classes above the
119 second grade level shall be eligible to transfer under this
120 section.

121 (2) No student who is eligible to begin kindergarten
122 or first grade at an attendance center that does not offer
123 classes above the second grade level shall be eligible to
124 transfer under this section.

125 5. (1) (a) No provisionally accredited district
126 shall be eligible to receive transfer students.

127 (b) Except as provided under paragraph (c) of this
128 subdivision, no attendance center that has an annual
129 performance report score consistent with a classification of
130 provisionally accredited shall be eligible to receive
131 transfer students.

132 (c) A transfer student who chooses to attend an
133 attendance center that has an annual performance report
134 score consistent with a classification of provisionally
135 accredited and that is located within his or her
136 unaccredited district of residence shall be allowed to
137 transfer to such attendance center if there is an available
138 slot.

139 (2) (a) No unaccredited district shall be eligible to
140 receive transfer students.

141 (b) No attendance center that has an annual
142 performance report score consistent with a classification of
143 unaccredited shall be eligible to receive transfer students.

144 (3) No district or attendance center that has received
145 two consecutive annual performance reports consistent with a
146 classification of provisionally accredited for the years
147 immediately preceding the year in which it seeks to enroll
148 transfer students shall be eligible to receive any transfer

149 students, irrespective of its state board of education
150 classification designation; except that, any student who was
151 granted a transfer to such a district or attendance center
152 prior to August 28, 2019 may remain enrolled in that
153 district or attendance center.

154 6. Notwithstanding the provisions of subsection 5 of
155 this section, a student may transfer to an attendance center:

156 (1) That is located within an unaccredited or
157 provisionally accredited district; and

158 (2) That has an annual performance report score
159 consistent with a classification of accredited

160 if the attendance center applies for and is granted a waiver
161 by the department of elementary and secondary education or
162 its designee to allow the attendance center to accept
163 transfer students.

164 7. If a receiving district becomes unaccredited or
165 provisionally accredited, or if an approved charter school
166 loses its status as an approved charter school, any students
167 who previously transferred to the district or charter school
168 shall receive the opportunity to remain enrolled in the
169 district or charter school or to transfer to another
170 district or approved charter school without losing their
171 eligibility to transfer.

172 8. For a receiving district, no acceptance of a
173 transfer student shall require any of the following actions,
174 unless the board of education of the receiving district has
175 approved the action:

176 (1) The hiring of additional classroom teachers;

177 (2) The construction of additional classrooms; or

178 (3) A class size and assigned enrollment in a
179 receiving school that exceeds the standards for class size

180 and assigned enrollment as promulgated in the Missouri
181 school improvement program's resource standards.

182 9. (1) By July 15, 2019, the board of education of
183 each available receiving district and the governing board of
184 each approved charter school eligible to receive transfer
185 students under this section shall set the number of transfer
186 students the district or charter school is able to receive
187 for the 2019-20 school year.

188 (2) By February first annually, the board of education
189 of each available receiving district and the governing board
190 of each approved charter school eligible to receive transfer
191 students under this section shall set the number of transfer
192 students the district or charter school is able to receive
193 for the following school year.

194 (3) An available receiving district or approved
195 charter school eligible to receive transfer students under
196 this section shall publish the number set under this
197 subsection and shall not be required to accept any transfer
198 students under this section that would cause it to exceed
199 the published number.

200 10. (1) Each available receiving district shall adopt
201 a policy establishing a tuition rate for transfer students
202 by February first annually.

203 (2) Each approved charter school eligible to receive
204 transfer students under this section shall adopt a policy
205 establishing a tuition rate for transfer students by
206 February first annually.

207 (3) A sending district shall pay the receiving
208 district or the approved charter school the amount specified
209 under section 167.132 for each transfer student.]

210 **4. Notwithstanding the provisions of chapter 163 or**
211 **federal calculations of military impact aid to the contrary,**

212 for the purposes of determining state and federal aid, a
213 transfer student shall be counted as a resident of the
214 receiving district in which the student is enrolled.
215 Tuition shall not be charged to any student or to his or her
216 parent or legal guardian.

217 [11.] 5. A student whose transfer application has been
218 denied by a receiving district shall have the right to
219 appeal the decision of the receiving district to the
220 department of elementary and secondary education. The
221 appeal shall be taken within fifteen days after the decision
222 of the [department] receiving district and may be taken by
223 filing notice of appeal with the department. Such appeal
224 shall be heard as provided in chapter 536.

225 [12. If an unaccredited district becomes classified as
226 provisionally accredited or accredited without provisions by
227 the state board of education, or if an attendance center
228 within an unaccredited district improves its annual
229 performance report score from a score that is consistent
230 with a classification of unaccredited to a score that is
231 consistent with a classification of provisionally accredited
232 or accredited, any resident student of the unaccredited
233 district who has transferred to an approved charter school
234 or to an accredited district in the same or an adjoining
235 county, as allowed under subsection 3 of this section, shall
236 be permitted to continue his or her educational program in
237 the receiving district or charter school through the
238 completion of middle school, junior high school, or high
239 school, whichever occurs first; except that, a student who
240 attends any school serving students through high school
241 graduation but starting at grades lower than ninth grade
242 shall be permitted to complete high school in the school to
243 which he or she has transferred.

244 13.] 6. Notwithstanding the provisions of subsection
245 [10] 4 of this section, if costs associated with the
246 provision of special education and related services to a
247 student with a disability exceed the tuition amount
248 established under this section, the [unaccredited] **sending**
249 district shall remain responsible for paying the excess cost
250 to the receiving district. If the receiving district is a
251 component district of a special school district, the
252 [unaccredited] **sending** district, including any metropolitan
253 school district, shall contract with the special school
254 district for the entirety of the costs to provide special
255 education and related services, excluding transportation in
256 accordance with this section. The special school district
257 may contract with [an unaccredited] **a sending** district,
258 including any metropolitan district, for the provision of
259 transportation of a student with a disability or the
260 [unaccredited] **sending** district may provide transportation
261 on its own.

262 [14.] 7. A special school district shall continue to
263 provide special education and related services, with the
264 exception of transportation under this section, to a student
265 with a disability transferring [from an attendance center
266 with an annual performance report score consistent with a
267 classification of unaccredited that is within a component
268 district to an attendance center with an annual performance
269 report score consistent with a classification of accredited
270 that is within the same or a different component district]
271 **to another school** within the special school district.

272 [15.] 8. If [any] **the sending district is a**
273 metropolitan school district [is classified as
274 unaccredited], it shall remain responsible for the provision
275 of special education and related services, including

276 transportation, to students with disabilities. A special
277 school district in an adjoining county to a metropolitan
278 school district may contract with the metropolitan school
279 district for the reimbursement of special education services
280 under sections 162.705 and 162.710 provided by the special
281 school district for transfer students who are residents of
282 the [unaccredited] **sending** district.

283 [16.] 9. Regardless of whether transportation is
284 identified as a related service within a student's
285 individualized education program, a receiving district that
286 is not part of a special school district shall not be
287 responsible for providing transportation to a student
288 transferring under this section. [An unaccredited] **A**
289 **sending** district may contract with a receiving district that
290 is not part of a special school district under sections
291 162.705 and 162.710 for transportation of students with
292 disabilities.

293 [17.] 10. If **the sending district is** a seven-director
294 school district or urban school district [is classified as
295 unaccredited], it may contract with a receiving district
296 that is not part of a special school district in the same or
297 an adjoining county for the reimbursement of special
298 education and related services under sections 162.705 and
299 162.710 provided by the receiving district for transfer
300 students who are residents of the [unaccredited] **sending**
301 district.

167.898. 1. (1) By July 15, [2019] **2026**, and by
2 [January first annually] **the first day of each month**
3 **thereafter**, each [accredited] **school** district[, any portion
4 of which is located in the same county as or in an adjoining
5 county to an unaccredited district,] shall report to the
6 department of elementary and secondary education or its

7 designee the number of available enrollment slots by grade
8 level **and school**.

9 (2) [By July 15, 2019, and by January first annually,
10 each unaccredited district shall report to the department of
11 elementary and secondary education or its designee the
12 number of available enrollment slots in the schools of its
13 district that have received annual performance report scores
14 consistent with a classification of accredited.

15 (3) By July 15, [2019] **2026**, and by [January first
16 annually] **the first day of each month thereafter**, each
17 [approved] charter school [that is eligible to receive
18 transfer students under section 167.895] shall report to the
19 department of elementary and secondary education or its
20 designee the number of available enrollment slots **by grade**
21 **level**.

22 2. The department of elementary and secondary
23 education or its designee shall make information and
24 assistance available to parents or guardians who intend to
25 transfer their child to [an accredited] **a receiving** district
26 or [to an approved] charter school as described under
27 section 167.895.

28 3. The parent or guardian of a student who intends to
29 transfer his or her child to [an accredited] **a receiving**
30 district or [to an approved] charter school as described
31 under section 167.895 for enrollment in that district or
32 charter school in any school year after the [2019-20] **2025-**
33 **26** school year shall send initial notification to the
34 department of elementary and secondary education or its
35 designee by [March first for enrollment in the subsequent
36 school year] **August 1, 2026, and by the first day of each**
37 **month thereafter, for enrollment in any subsequent month**.

38 4. The department of elementary and secondary
39 education or its designee shall assign those students who
40 seek to transfer to [an accredited] **a receiving** district or
41 [to an approved] charter school as described under section
42 167.895. When assigning transfer students to [approved]
43 charter schools, the department of elementary and secondary
44 education or its designee shall coordinate with each
45 [approved] charter school and its admissions process if
46 capacity is insufficient to enroll all students who submit a
47 timely application. [An approved] **A** charter school shall
48 not be required to institute a lottery procedure for
49 determining the admission of resident students. The
50 department of elementary and secondary education or its
51 designee shall give first priority to students who live in
52 the same household with any family member within the first
53 or second degree of consanguinity or affinity who already
54 attends a school with an annual performance report score
55 consistent with a classification of accredited and who apply
56 to attend the same school. If insufficient grade-
57 appropriate enrollment slots are available for a student to
58 be able to transfer, the student shall receive first
59 priority the following [school year] **month**. The department
60 of elementary and secondary education or its designee shall
61 consider the following factors in assigning school districts
62 and charter schools:

- 63 (1) The student's or parent's choice of the receiving
64 school district or charter school;
- 65 (2) The best interests of the student;
- 66 (3) The availability of transportation funding, as
67 provided under section 167.241; and
- 68 (4) Distance and travel time to a receiving school.

69 The department of elementary and secondary education or its
70 designee shall not consider student academic performance,
71 free and reduced price lunch status, or athletic ability in
72 assigning a student to a school. The parent or guardian may
73 make an application for a specific building assignment
74 within the district or [approved] charter school. Final
75 building assignment shall be determined by the receiving
76 school district or [approved] charter school.

77 5. (1) The department of elementary and secondary
78 education or its designee may deny a transfer to a student
79 who in the most recent school year has been suspended from
80 school two or more times or who has been suspended for an
81 act of school violence under subsection 2 of section
82 160.261. A student whose transfer is initially precluded
83 under this subsection may be permitted to transfer on a
84 provisional basis as a probationary transfer student,
85 subject to no further disruptive behavior, upon a statement
86 from the student's current school that the student is not
87 disruptive. A student who is denied a transfer under this
88 subsection has the right to an in-person meeting with an
89 employee of the department of elementary and secondary
90 education or its designee.

91 (2) The department of elementary and secondary
92 education shall promulgate rules to provide common standards
93 for determining disruptive behavior that shall include, but
94 not be limited to, criteria under section 160.261. Any rule
95 or portion of a rule, as that term is defined in section
96 536.010, that is created under the authority delegated in
97 this section shall become effective only if it complies with
98 and is subject to all of the provisions of chapter 536 and,
99 if applicable, section 536.028. This section and chapter
100 536 are nonseverable, and if any of the powers vested with

101 the general assembly pursuant to chapter 536 to review, to
102 delay the effective date, or to disapprove and annul a rule
103 are subsequently held unconstitutional, then the grant of
104 rulemaking authority and any rule proposed or adopted after
105 August 28, 2019, shall be invalid and void.

[167.132. 1. For purposes of this

2 section, the following terms mean:

3 (1) "Receiving approved charter school",
4 an approved charter school, as defined under
5 section 167.895, receiving transfer students
6 under section 167.895;

7 (2) "Receiving district", a school
8 district receiving transfer students under
9 section 167.895;

10 (3) "Sending district", a school district
11 from which students are transferring to a
12 receiving district or approved charter school,
13 as allowed under section 167.895;

14 (4) "State adequacy target", the same
15 meaning given to the term under section 163.011.

16 2. Notwithstanding any other provision of
17 law, the tuition rate paid by a sending district
18 to the receiving district or the receiving
19 approved charter school for transfer students
20 shall be the lesser of:

21 (1) The tuition rate set by the receiving
22 district or the receiving approved charter
23 school under the policy adopted in accordance
24 with section 167.895; or

25 (2) The state adequacy target plus the
26 average sum produced per child by the local tax
27 effort above the state adequacy target of the
28 sending district.]

✓