

HCS HB 253 -- STUDENT TRANSFERS

SPONSOR: Pollitt

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 13 to 4. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 5 to 1.

The following is a summary of the House Committee Substitute for HB 253.

This bill establishes transfer procedures to nonresident districts for students in public schools.

MAGNET SCHOOLS (Section 163.161)

This bill permits school districts that operate magnet schools included in a master desegregation settlement agreement to be exempt from transportation inefficiency requirements when transporting students to magnet schools.

PUBLIC SCHOOL OPEN ENROLLMENT ACT (Sections 167.1200 to 167.1230)

The bill adds Sections 167.1200 to 167.1230, RSMo, establishing the "Public School Open Enrollment Act".

For the purposes of the Act, the bill defines "nonresident district" and "resident district" among other definitions.

TRANSFER POLICY AND PARTICIPATION (Section 167.1205)

The bill creates a public school open enrollment program with the design to improve quality instruction and increase parental involvement, provide access to programs and classes, and offer opportunity to align parental curriculum options to personal beliefs.

The bill specifies that any student beginning kindergarten or already enrolled in a public school may attend a public school in a nonresident district participating in the Program. Districts must declare participation in the Open Enrollment Program by December 1 for the following school year. Participating districts are not required to add teachers, staff, or classrooms to accommodate transfer applicants. The bill includes a procedure for districts when a transferring student has special education needs. Schools may also establish standards for transfer applications and post the information on the school website and in the student handbook.

School districts that are served by special school districts must reach an agreement with such special school district regarding finance, staffing, and other items prior to participating in the Program.

The Department of Elementary and Secondary Education (DESE) or an entity skilled in policy development shall develop a model open enrollment transfer policy as outlined in the bill. All public schools must adopt the model policy, regardless of participation in the Program; however, each school board can modify the model policy based on the district's needs.

Students who wish to attend nonresident schools that have an academic or competitive entrance process shall furnish proof that they meet the admission requirements.

Students that participate in open enrollment in high school may not participate in varsity sports during the first 365 days of enrollment in a nonresident district with exceptions outlined in the bill.

No transfers under this Act can begin until the school year 2024-25. For school years 2024-25 through 2027-28 districts may restrict the number of transferring students to 4% of the previous school year's enrollment and the bill allows Hickman Mills School District to prevent or otherwise restrict the number of students leaving the district under this Program until the 2026-27 school year.

APPLYING FOR TRANSFER (Section 167.1210)

Any student that applies for a transfer may only accept one transfer per school year, although the student may return to their resident district and, if so, complete a full semester before applying for another transfer. Students may complete all remaining school years in their nonresident district and any sibling may enroll if the district has the capacity as provided by the bill.

For the purposes of determining federal and state aid the student shall be counted as a resident pupil of the nonresident district, except for federal calculations of military impact aid.

Parents will be responsible for transportation to the nonresident school or to an existing bus stop location in the nonresident district. Students that qualify for free and reduced meals may have transportation expenses reimbursed quarterly as outlined in the bill.

PARENT PUBLIC SCHOOL CHOICE FUND (Sections 167.1211 and 167.1212)

The bill allows districts to receive funding from the "Parent Public School Choice Fund" for special education services up to three times the current expenditure per average daily attendance and for transportation costs for students that qualify for free and reduced meals.

The bill establishes the "Parent Public School Choice Fund" with a \$80 million appropriation to be used to supplement open enrollment transfers from any resident district for transportation cost for students that qualify for free and reduced meals and to reimburse for special needs education as outlined in Section 167.1211.

NUMBER OF TRANSFER STUDENTS (Section 167.1215)

The bill specifies that annually, before December 1st, each school district shall set and publish the number of transfer students the district is willing to receive for the following school year. This number does not have to be more than zero. Districts will also develop a policy for a wait list.

APPLICATION PROCESS (Section 167.1220)

The processes for a transfer application and the details for notifications of acceptance or rejection are specified within the bill. Superintendents will review and reject applications in a timely manner and must present to the board any rejections for review. The bill explains the reasons that an eligible application may be rejected, and notification must be provided in writing by June 1st. The bill defines "good cause" and allows for consideration of applications that are submitted after February 1st and before July 1st. The Department of Elementary and Secondary Education shall be notified of all accepted students and will request an anonymous survey related to the reasons for participating in the Open Enrollment Program. The Department will publish an annual report based on the survey results.

ALLOWED EXEMPTIONS (Section 167.1225)

This bill provides that prior to April 1st, a school district may annually declare an exemption for the upcoming school year, from the requirements set forth in this bill, provided that the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation or subject to a settlement agreement remedying the effects of past racial segregation. The bill requires that any student that transfers from a K-eight district enroll before the start of the student's sixth grade year, or the K-eight district must pay tuition as provided under Section 167.131. Additional

exemptions are specified for students who qualify for transfers under other listed sections.

APPEAL PROCEDURE (Section 167.1227)

The bill determines when a student may be denied a transfer based on his or her discipline record and includes an appeal procedure.

ANNUAL REPORTING (Section 167.1229)

The Department shall collect and report data annually from school districts on the number of applications and study the effects of the public school choice program transfers. The report shall be submitted annually by December 1st to the Joint Committee on Education, the House Committee on Elementary and Secondary Education, and the Senate Committee on Education

ALTERNATIVE FUNDING (Section 167.1230)

The bill requires that enrollment of students under the Program not occur before July 1, 2024. The bill outlines what steps shall be taken if the Parent Public School Choice Fund does not have sufficient funding necessary to provide for eligible reimbursements for transportation and special education expenses. Transportation costs shall be considered eligible expenses under 163.161, and special education students will be provided additional weight in the formula calculation for the nonresident district.

This bill is similar to HB 1814 (2022) and HS HCS HB 543 (2021).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that a student's school district and subsequent future potential and success in life should not be determined merely by the zipcode that child lives in. Providing opportunities for students and parents to choose alternative public schools that best meet the needs of the family is important. This bill provides clear deadlines for schools and participants, provides funding for transportation and special needs students, and ensures additional opportunities to allow students to attend districts that best fit their needs.

Testifying in person for the bill were Representative Pollitt; Aligned; Erin Koch; American Federation For Children; Americans For Prosperity; Excellence In Education In Action; Missouri Century Foundation; Yes. Every Kid; and the Quality Schools Coalition.

OPPONENTS: Those who oppose the bill say that this bill will create problems for a multitude of districts that will be forced into competition for students against other districts. Smaller districts will be adversely impacted and may be forced to consolidate or close which is a detriment to the community as a whole. There is very little evidence that shows open enrollment increases performance for students. Concerns were expressed about the potential for this to be forced upon districts.

Testifying in person against the bill were Hickman Mills School District; Kyle Kruse, St. Clair R-XIII School District; Derek Lark; Kenneth E. Southwick, Cooperative School District Of Greater Kansas City; Darrin Lilleman; Missouri State Teachers Association; North Kansas City Schools, and Mike Lodewegen, Missouri Council Of School Administrators.

OTHERS: Others testifying on the bill say that while this bill is a priority for some there are many other education issues that local districts feel are more important. Similar language in other states include regional support structures for special needs and connections to mental health supports.

Testifying in person on the bill was the Missouri NEA.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.