

HB 820 -- PUBLIC SCHOOL PARENTAL CHOICE ACT

SPONSOR: Cookson

This bill establishes the "Public School Parental Choice Act." Beginning in school year 2018-19, the bill allows any student in kindergarten through grade 12 to apply to attend a school in a nonresident district. Every school district must participate in a Public School Parental Choice Program and the board of education of each school shall adopt the standards for acceptance or rejection of a transfer application. This bill specifies that a school district is not required to add teachers, staff, or classrooms, or in any way exceed the requirements or standards established by existing law.

The bill specifies the standards for the board of education to use when establishing the application review process. The standards may include the capacity of a program, class, grade level, or school building. The standards must include provisions for giving priority to an applicant who has a same household sibling already attending the district. The standards may not contain an applicant's academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than that of expulsion.

This bill requires each school district superintendent to make public announcements over broadcast media and in print or Internet media to inform parents of students in adjoining districts of the program, application deadline, and requirements and procedures for participating in the program.

The bill specifies that a student may only accept one parental choice transfer per school year but they may return to their district of residence during the school year. A student who returns to his or her resident district must reapply to be accepted to the program. The transportation of a transfer student is the responsibility of the student or parent of the student but nonresident districts may enter into written agreements with parents.

The bill requires that a transfer student will be counted as a resident pupil of the nonresident district in which he or she is enrolled for the purposes of determining state aid.

The resident district must send the nonresident district of enrollment the:

(1) Average sum produced per child by the local tax effort of the resident district; and

(2) Average sum produced per child by the local tax effort of the nonresident district.

However, if the average sum produced per child by the local tax effort of the resident district is three or more times greater than the average sum produced per child by the local tax effort of the nonresident district in which the transfer student enrolls, the resident district must instead send the nonresident district of enrollment the amount of the state adequacy target. If the nonresident district of enrollment local effort is three times or greater than resident district the resident district will instead send the average sum produced per child by the local tax effort of the resident district.

This bill requires the parent of a student wanting to attend a school in a nonresident district to submit an application, on a form approved by the Department of Elementary and Secondary Education (DESE), to the nonresident district with a copy to the resident district, and the application must be post marked by June 2, prior to the beginning of the fall semester. Nonresident districts must review and make a determination on each application in the order in which the application was received. Before August 1 of the school year in which the student seeks a transfer, the nonresident superintendent must notify the parent and the resident district in writing as to whether the application has been accepted or rejected, as specified in the bill.

If the program conflicts with a provision of an enforceable desegregation court order or a district's court approved desegregation plan, the provisions of the order or plan will govern. A district subject to such an order or similar mandate of a federal court or agency may annually declare an exemption from the program, as specified in the bill.

The bill specified that if a school district has more students transferring out of the district than transferring into the district under the program in a school year, the difference between those transferring out of the district minus the number of those transferring into the district may not exceed 5% of the district's average daily attendance for the immediately preceding school year. Before June 1 each year, DESE will report to each school district the net maximum number of program transfers for the school year beginning July 1.

This bill allows a student whose application for transfer is rejected to request a hearing before the State Board of Education (SBE) to reconsider the transfer, as specified in the bill.

The bill requires DESE to collect data from each school district on the number of applications for student transfers and study the effects of the program as specified in the bill. DESE must report its findings from such study to the House Committee on Elementary and Secondary education, or any other education committee designated by the Speaker of the House of Representatives, and the President Pro-Tem of the Senate. Hearings for appeal before the SBE must adhere to procedures specified in the bill.