HCS HB 1814 -- STUDENT TRANSFERS

SPONSOR: Pollitt (52)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 15 to 2 with 2 present. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 3.

The following is a summary of the House Committee Substitute for HB 1814.

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 (Section 163.161 RSMo).

This bill allows, beginning after July 1, 2023, any person that owns residential or agricultural real property in any school district, and pays a school tax of at least $3000 in that district and owned property for at least three years, to send children to that district, upon notification to the district at least 30 days prior to enrollment, and the district shall count that child for the districts average daily attendance (Section 167.151).

PUBLIC SCHOOL OPEN ENROLLMENT ACT (Sections 167.1200 to 167.1230)

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

DEFINITIONS (Section 167.1200)

The bill defines "non-resident district", "public school choice student", 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 any nonresident district. Districts must declare participation in the Open Enrollment Program by October 1. Participating districts are not required to add teachers, staff, or classrooms to

accommodate transfer applicants. The bill includes a procedure for districts to take 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.

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. A school board may modify the model policy but all public schools must adopt the model policy, regardless of participation in the program; however, each school board may modify the model policy based on the districts' 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 non-resident district with exceptions outlined in the bill.

No transfers under this act may begin until the school year 2023-24. For school years 2023-24 and 2024-25 districts may restrict the number of transferring students to 5% of the previous school year's enrollment.

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 must 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 federal and state aid the student shall be counted as a resident pupil of the nonresident district.

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.

REVENUE CALCULATION (Section 167.1211)

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.

PARENT PUBLIC SCHOOL CHOICE FUND (Section 167.1212)

This bill establishes the "Parent Public School Choice Fund" with a $60 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 October 1, 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 then 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 December 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. Additional exemptions are specified for students who qualify for transfers under other listed sections.

APPEAL AND ANNUAL REPORTING (Section 167.1230)

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

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 September 30th to the Joint Committee on Education, the House Committee on Elementary and Secondary Education, and the Senate Committee on Education (Section 167.1230).

Some provisions of this bill have a delayed effective date of July 1, 2023

This bill is similar to 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 this bill will provide opportunities for a variety of students and still provides local control for districts to determine how they can participate. Supporters says that this bill takes into account the needs of the district and the individual students.

Testifying for the bill were Representative Pollitt; Stacey Preis, Aligned; Missouri Century Foundation; Cici Tompkins, Children's Education Alliance of Missouri; Quality Schools Coalition; American Federation for Children; Excel in Education in Action; and the Missouri School Boards' Association.

OPPONENTS: Those who oppose the bill say that this language does not include a clear purpose and that open enrollment will harm small districts which may be forced to consolidate and larger districts will be forced to compete against each other for resources and students.

Testifying against the bill were Adam Edward Friga, Oran R-III; Jerold Osbourn; Kyle Kruse, St. Clair R-X111 School District; Missouri State Teachers Association; Missouri National Education Association; Roger Schmitz, Lawson R-XIV Schools; American Federation of Teachers Missouri; Missouri Association of School Administrators; Cooperating School Districts of Greater Kansas City; Arnie C. Ac Dienoff; and Carla Wiese, Missouri PTA.

OTHERS: Others testifying on the bill say the bill should required

districts to participate and that taking special needs costs into consideration is important. The State Board of Education has instructed DESE to work with stakeholders to examine best practices for voluntary open enrollment plans similar to the ones presented in this bill.

Testifying on the bill were Americans for Prosperity; Department of Elementary and Secondary Education; Special School Districts; and Yes Every Kid.

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