

HB 559 -- K-12 OPEN ENROLLMENT ACT

SPONSOR: Baker

This bill establishes the "K-12 Open Enrollment Act" which allows a public school pupil to transfer to any public school outside of such pupil's assigned school district. Beginning in the 2024-25 school year, school districts will adopt an open enrollment policy, as outlined in the bill. Such policies may limit the number of transfers based on the capacity of a grade level and must follow federal desegregation requirements. Policies will include a lottery procedure to determine pupil assignment and an appeals process for hardship cases.

The bill requires that a district with insufficient seat capacity in a grade level place all transfer applicants on a waiting list and open a lottery for any such vacancies beginning in January of each school year. The selection of applicants through the lottery shall occur before June 1st. Districts may allow transfers when seats are available at anytime during the school year, and preferential treatment may be provided to specific student groups as outlined in the bill.

The bill prohibits tuition charges for transfer students and allows districts to transport students across district boundaries.

The bill requires the Department of Elementary and Secondary Education (DESE) to develop and set a policy for the determination of the number of transfer applicants each school that each school district has the capacity to accept for each grade level. Each school district shall adopt a district policy based on the DESE policy with a specific determination on the number of applicants it will accept by January 1st.

Before the first of January, April, July, and October of each year any district receiving students shall file a report with DESE with the names of any student granted a transfer, the school, and grade level. Before October 1st of each year school districts must report to DESE the number of transfer applicants in the district, the number of applications received, and the number of applications denied along with the reason for the denial. Before July 1st DESE shall post an annual report online with specific details for each school district including data provided by the districts and the actual net change for transferred students for each district.

The bill requires DESE to randomly select 10% of school districts to audit the district's approved and denied transfers and capacity levels, with the authority to set a new capacity level for any school with a level discrepancy or inaccurate reporting.