

HCS HB 711 -- ADMISSION OF NONRESIDENT PUPILS

SPONSOR: Pollitt

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Elementary and Secondary Education by a vote of 16 to 7. Voted "Do Pass with HCS" by the Standing Committee on Legislative Review by a vote of 7 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative by a vote of 6 to 3.

The following is a summary of the House Committee Substitute for HB 711.

DEFINITIONS

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", "resident district", and "transferring student", among other definitions.

TRANSFER POLICY AND PARTICIPATION (Section 167.1205)

The bill establishes an opt-in public school open enrollment program with the intent 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, a school other than a public school, an FPE school, or who has just moved to the state and has not yet enrolled in a school, may attend a public school in a nonresident district participating in the program. Districts must declare participation in the open enrollment program by November 1st for the following school year. Participating districts are not required to add teachers, staff, or classrooms to accommodate transfer applicants.

Districts can restrict the number of outgoing transfer students to 3% of the previous school year's enrollment. The Department of Elementary and Secondary Education (DESE) must develop and maintain an online resource to facilitate applications and provide a searchable public database for allowable transfers.

DESE or an entity skilled in policy development must 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, but 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 must furnish proof that they meet the admission requirements.

Nonresident districts are able to deny transfers to students who, during the most recent school year, have been suspended two or more times or have either been suspended for an act of violence or expelled. The bill establishes a provisional transfer procedure upon approval of the nonresident district's superintendent and provides that a student who has been denied such a transfer has the right to meet in-person with the nonresident district superintendent.

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

#### APPLYING FOR TRANSFER (Section 167.1210)

Any student who applies for a transfer can only accept one transfer per school year, although the student can return to his or her resident district and, if so, complete a full semester before applying for another transfer. Students can complete all remaining school years in their nonresident district and any sibling can enroll if the district has the capacity as provided by the bill. For the purposes of determining federal and state aid the student must 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 who qualify for free and reduced meals can have transportation expenses reimbursed quarterly as outlined in the bill. However, a transferring student who transfers to a nonresident district sharing a border with the student's resident district and who either qualifies for free and reduced price meals or who has transportation as a related service on his or her IEP must be offered transportation services by the nonresident district or may choose to get reimbursed for costs associated with the student's transportation. The bill establishes the calculation for the transportation costs eligible for reimbursement.

#### PARENT PUBLIC SCHOOL CHOICE FUND (Sections 167.1211 and 167.1212)

The bill creates the "Parent Public School Choice Fund" which is created to be used 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 November 1st, each school district must set and publish the number of transfer students the district is willing to receive for the following school year. Districts will also develop a policy for waitlists and the Department must include such waitlists online and notify an applicant if they have been waitlisted.

#### 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. The Department must create an online resource to receive applications, which must be submitted before January 1st. The Department will conduct a lottery of applications by January 15th and facilitate and provide notice to all applicants regarding the acceptance or rejection of each application. The nonresident district's superintendent or a designee thereof must review each application, determine if the application is rejected or accepted, and inform the Department of his or her decision.

The Department must 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.

#### PROCEDURE FOR CERTAIN STUDENTS HAVING BEEN ACCEPTED (Section 167.1224)

The bill includes a procedure for districts when a transferring student has special education needs. Schools can 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.

#### ALLOWED EXEMPTIONS (Section 167.1225)

This bill specifies that a school district can 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 who 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 specified 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 must 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 must 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, or any successor committees thereof.

#### ALTERNATIVE FUNDING (Section 167.1230)

The bill requires that enrollment of students under the program not occur before July 1, 2026. The bill outlines what steps must 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 must 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 HCS HB 1989 (2024) and HCS HB 253 (2023).

The following is a summary of the testimony from the Standing Committee on Legislative Review hearing on February 11, 2025. The testimony was based on the introduced version of HB 711.

**PROPOSERS:** This bill has had 14 committee hearings and five instances of floor action over the years, all of which have contributed to improving the bill and bringing it to its current iteration. This is a bill that allows parents the choice within the public school system.

Testifying in person for the bill was Representative Pollitt.

There was no opposition voiced to the committee.

The following is a summary of the testimony from the Standing Committee on Elementary and Secondary Education hearing on January 29, 2025. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that providing students with an opportunity to attend a school district based on what is in the best interest of the student rather than arbitrarily drawn boundaries makes sense. Helping students avoid situations where there is a lack of academic success and where they might be bullied is important and a step in the right direction for students.

Testifying in person for the bill were Representative Pollitt; Yes Every Kid; Missouri Century Foundation; The Opportunity Trust; Excel In Ed In Action; and Jim Malle.

**OPPONENTS:** Those who oppose the bill say that while they appreciate the opportunity the sponsor has provided to discuss and make changes to the legislation there are still areas of concern. Too often special education students are discriminated against or prohibited from transferring districts under this kind of open enrollment policy. There are concerns about "othering" and treating students from outside a district differently by those that reside in the district. Concerns were expressed that this may not be voluntary or that districts rapidly growing might experience conflicts on how to address needs of resident students.

Testifying in person against the bill were Missouri Disability Empowerment Foundation; Dr. Kenny Southwick, Cooperating School District of Greater KC; North KC Schools; Kansas City Public School District; Missouri State Teachers Association; ArmorVine; Missouri NEA; Kathy Vandegriffe; American Federation of Teachers -Missouri.

**OTHERS:** Others testifying on the bill say having an opportunity to enroll students across boundary lines makes sense if you want a school to grow. Unfortunately, there are concerns about districts that are on a border line that won't grow and may be forced to consolidate.

Testifying in person on the bill were Steve Carroll; Missouri Charter Public School Association.; and Meghan Hill, St. Louis Language Immersion School.

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.