

HCS#2 SS SB 266 -- ELEMENTARY AND SECONDARY EDUCATION

SPONSOR: Fitzwater

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 20 to 0. Voted "Do Pass with HCS #2" 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 2.

The following is a summary of the House Committee Substitute #2 for SB 266.

This bill establishes and modifies several provisions relating to the responsibilities of publicly funded elementary and secondary educational entities.

VIRTUAL ASSESSMENTS (Section 161.670)

This bill provides that any virtual school or program that is part of the Missouri Course Access and Virtual School Program can administer any statewide assessment virtually, except for college readiness or workforce readiness assessments provided by a national college and career readiness assessment provider. The bill outlines requirements for such virtual assessments, including the monitoring of students via a camera and maintaining a student-to-proctor ratio of 10-1 or lower.

This provision is similar to HCS HB 220 (2025) and SB 1049 (2024) and provisions in SCS HCS HB 607 (2025) and HCS SS SCS SB 68 (2025).

PUBLIC SCHOOL OPEN ENROLLMENT ACT (Sections 167.1200 through 167.1230)

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, can 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 three percent 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 cannot 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 can 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, RSMo.

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 can 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 section 163.161, and special education students will be provided additional weight in the formula calculation for the nonresident district.

SCHOOL BUILDING ADMINISTRATORS (Section 168.410)

This bill defines "building-level administrator" as a school official who supervises or evaluates other licensed staff and requires that administrators be evaluated annually.

This provision is similar to HCS HB 1365 (2025).

The following is a summary of the public testimony from the hearing in Elementary and Secondary Education on 4/23/25. The testimony was based on the Senate Perfected version of the bill.

PROPONENTS: Supporters say that students struggle to do assessments at one location when they are used to taking courses in the virtual classroom. The bill ensures that proper protections are in place and this is a common sense measure that will help students.

Testifying in person for the bill were Senator Fitzwater; Stride, Inc; Pearson/Connection Academy; and Parents For Public School Options.

OPPONENTS: No opposition was voiced to the committee.

The following is a summary of the public testimony from the hearing in Legislative Review on 5/5/25. The testimony was based on the first House Committee Substitute.

PROPONENTS: Supporters say that this contains several promising provisions for elementary and secondary education, including the Educators' Bill of Rights and the contracting directions for building-level administrators.

Testifying in person for the bill was Representative Lewis.

OPPONENTS: There was no opposing testimony offered in person to the committee.

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.