

HB 2604 -- PUBLIC SCHOOL OPEN ENROLLMENT

SPONSOR: Pollitt

DEFINITIONS (Sections 167.1200 to 167.1230)

The bill establishes the "Public School Open Enrollment Act" and defines certain terms such as "nonresident local education agency" (nonresident LEA), "resident local education agency" (resident LEA), 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 the quality of instructional and educational programs by increase parental involvement, provide access to programs and classes, and offer opportunities to align parental curriculum options to personal beliefs.

The bill specifies that any student beginning kindergarten or any transferring student, as that term is defined in the bill, can attend a public school in a nonresident LEA participating in the program. Schools must declare participation in the open enrollment program by November 1st for the following school year. Participating schools are not required to add teachers, staff, or classrooms to accommodate transfer applicants.

Schools can restrict the number of outgoing transfer students to 5% 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 school'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 LEA's 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 LEA's superintendent and provides that a student who has been denied such a transfer has the right to meet in-person with the nonresident LEA 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 LEA, 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 LEA and, if so, complete a full semester before applying for another transfer. Students can complete all remaining school years in their nonresident LEA and any sibling can enroll if the school 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 LEA, 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 LEA.

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 for the public school open enrollment program and 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 must set and publish the number of transfer students the school is willing to receive for the following school year. Schools will also develop a policy for online waitlists and notify applicants 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. DESE must create an online resource to receive applications, which must be submitted before January 1st. DESE will conduct a lottery of applications by January 15th and provide notice to all applicants regarding the acceptance or

rejection of each application. The nonresident LEA's superintendent or a designee thereof must review each application, determine if the application is rejected or accepted, and inform DESE of his or her decision. DESE must be notified of all accepted students and will notify the resident LEA and request the student or the student's parent participate in an anonymous survey related to the reasons for participating in the Open Enrollment Program. DESE 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 schools 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. Schools 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 can annually declare an exemption for the upcoming school year from the requirements set forth in this bill, provided that the school 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 any student who transfers from a K-eight school enroll before the end of the student's sixth grade year, or the K-eight school 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 outlines an appeal procedure for students whose application is rejected and includes the notification process if DESE overturns the determination of the nonresident LEA on appeal.

ANNUAL REPORTING (Section 167.1229)

DESE must collect and report data annually from schools 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.

DESE must annually make a random selection of 10% of the schools participating in the program and audit each selected transferred that were approved or denied under policies adopted in this bill.

ALTERNATIVE FUNDING (Section 167.1230)

The bill requires that enrollment of students under the program not occur before July 1, 2027. 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 school.

This bill is similar to SCS HCS HB 711 (2025); HCS HB 1989 (2024); and HCS HB 253 (2023).