

HCS HB 543 -- PUBLIC SCHOOL TRANSFERS

SPONSOR: Pollitt (052)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 11 to 5. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 3. Voted "Do Pass with HS" by Legislative Review by a vote of 4 to 1.

The following is a summary of the House Committee Substitute for HB 543.

This bill adds Sections 167.1200 to 167.1230, RSMo, creating the "Public School Open Enrollment Act".

DEFINITIONS (Section 167.1200)

The bill defines "non-resident district", "public school choice student", and "resident district" and distinguishes between "resident local revenue" and "nonresident local revenue".

TRANSFER POLICY AND PARTICIPATION (SECTION 167.1205)

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 oOpen eEnrollment pProgram by January 1 firstst. Participating districts are not required to add teachers, staff, or classrooms to accommodate transfer applicants. The committee substitute includes a procedure for districts to take for students with 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) 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 a policy regardless of participation in the program.

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 90 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 2022-23.

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 non resident district. Resident districts will calculate the per-pupil average daily local effort amount and upon notification by the non-resident district of the number of days the student was enrolled send such amount for each day.

Students that participate in open enrollment in high school and return to their resident district may not participate in varsity sports for 90 days.

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 authorizesestablishes a calculation for resident districts local revenue to be sent for each transferring student to the nonresident district. The calculation takes into consideration additional costs for students with special education needs and districts whose local revenue is below the state adequacy target. DESE may withhold any amount that is owed and not sent by a resident district by June 30th from a resident districts monthly revenue distribution.

PARENT PUBLIC SCHOOL CHOICE FUND (Section 167.1212)

This bill createsestablishes the "Parent Public School Choice Fund" with a \$60 million appropriation to be used to supplement open enrollment transfers from any resident district whose local revenue is less than the state adequacy target and the nonresident districts local revenue.

NUMBER OF TRANSFER STUDENTS (Section 167.1215)

The bill specifies establishes that annually, before February 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 than 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 may accept applications in a timely manner, but only the school board of the district may reject an application. The bill explains the reasons that an eligible application may be rejected and notification must be provided in writing by June first. The bill defines "good cause" and allows for consideration of applications that are submitted after March first and before October first.

ALLOWED EXEMPTIONS (Section 167.1225)

This bill provides that, prior to April first, 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 specifies establishes when a student may be denied a transfer based on his or her discipline record and includes an appeal procedure.

DESE 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 (Section 167.1230).

Some provisions of this bill have a delayed effective date of July 1, 2022

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced

version of the bill.

PROPOSERS: Supporters say that this bill provides districts with an option to participate and accept students, however it does not prevent students from leaving a district. The bill addresses common concerns such as siblings attending the same district and athletes transferring merely to participate in sports. Supporters state that where you live should not dictate where you go to school and that public school choice would be beneficial for parents and districts that offer a "good product". This bill focuses on students and creates flexibility and opportunities, while allowing local policy development and holding districts responsible.

Testifying for the bill were Representative Pollitt; Lindi Williford; Stacey Preis, Aligned; Garrett Webb, Aligned; Aaron Baker, and the American Federation for Children.

OPPOSERS: Those who oppose the bill say that this bill would have one district potentially subsidizing another district with local money that residents of a district vote on. This bill while not currently mandated seems to be similar to legislation that has imposed unfunded mandates. This bill may lead to segregation as similar open enrollment legislation has in other states, due to the lack of funding for transportation.

Testifying against the bill were Clifford Wayne Stewart Jr.; Jeannie Jenkins; Dr. Chris Ford; Otto Fajen, Missouri NEAea; Tonya Woods, Thayer R-I School District; Arnie Dienoff; Steve Carroll, North Kansas City & St. Louis Public Schools; William Gamble, Special School District of St. Louis County; Matt Michelson, Missouri State Teachers Association; Kyle Kruse, St. Clair R-XIII School District; Ron Berry, American Federation of Teachers Missouri; Scott Kimble, Missouri Association of School Administrators; Roger Schmitz, Lawson R-XIV Schools; Ken Enloe; and Dr. Daniel Clemens, North Kansas City Schools.

OTHERS: Others testifying on the bill provided written testimony for informational purposes.

Testifying on the bill was Brittany Whitley, Missouri Science & Technology (Most) Policy Initiative.

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.