

## HCS HB 1989 -- ADMISSION OF NONRESIDENT PUPILS

SPONSOR: Pollitt

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 11 to 6.

The following is a summary of the House Committee Substitute for HB 1989.

This bill establishes transfer procedures to nonresident districts for students in public schools.

### MAGNET SCHOOLS

This bill permits school districts that operate magnet schools included in a master desegregation settlement agreement to be exempt from transportation inefficiency requirements when transporting students to magnet schools (Section 163.161, RSMo).

### 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" and "resident district" among other definitions (Sections 167.1200 to 167.1230).

### TRANSFER POLICY AND PARTICIPATION

The bill establishes a public school open enrollment program with the design 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 may attend a public school in a nonresident district participating in the program. Districts must declare participation in the open enrollment program by December 1st for the following school year. Participating districts are not required to add teachers, staff, or classrooms to accommodate transfer applicants.

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

The Department of Elementary and Secondary Education (DESE) or an entity skilled in policy development shall 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; however, 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 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 365 days of enrollment in a nonresident district with exceptions outlined in the bill.

No transfers under this Act can begin until the school year 2025-26.

Districts may restrict the number of outgoing transfer students to 3% of the previous school year's enrollment (Section 167.1205).

#### APPLYING FOR TRANSFER

Any student who applies for a transfer may only accept one transfer per school year, although the student may return to his or her resident district and, if so, 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 that has the capacity as provided by the bill. For the purposes of determining federal and state aid the student shall 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 may have transportation expenses reimbursed quarterly as outlined in the bill (Section 167.1210).

#### PARENT PUBLIC SCHOOL CHOICE FUND

The bill creates the "Parent Public School Choice Fund" which is created with an \$80 million appropriation to be used to supplement open enrollment transfers from any resident district for transportation cost for students that qualify for free and reduced

meals and to reimburse for special needs education as outlined in Section 167.1211 (Sections 167.1211 and 167.1212).

#### NUMBER OF TRANSFER STUDENTS

The bill specifies that annually, before December 1st, 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 (Section 167.1215).

#### APPLICATION PROCESS

The processes for a transfer application and the details for notifications of acceptance or rejection are specified within the bill. The Department shall create an online resource to facilitate and provide notice to all applicants regarding the acceptance or rejection of each application on April 1st.

Superintendents must present to the board any rejections for review.

The bill explains the reasons that an eligible application may be rejected, and notification must be provided in writing by June 1st. The bill defines "good cause" and allows for consideration of applications that are submitted after February 1st and before July 1st.

The Department shall 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 (Section 167.1220).

#### ALLOWED EXEMPTIONS

This bill specifies that prior to December 1st, 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.

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 (Section 167.1225).

#### APPEAL PROCEDURE

The bill determines when a student may be denied a transfer based on his or her discipline record and includes an appeal procedure (Section 167.1227).

#### ANNUAL REPORTING

The Department 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. The report shall 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 (Section 167.1229).

#### ALTERNATIVE FUNDING

The bill requires that enrollment of students under the Program not occur before July 1, 2025. The bill outlines what steps shall 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 shall be considered eligible expenses under 163.161, and special education students will be provided additional weight in the formula calculation for the nonresident district (Section 167.1230).

This bill is similar to HCS HB 253 (2023) and HB 1814 (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 a student's address should not dictate the school district that the student must attend. Having options that best fit the needs of parents and students is important and this bill provides a public school choice option.

Testifying in person for the bill were Representative Pollitt; Missouri Century Foundation, Yes Every Kid; Quality Schools Coalition; Aligned; and American Federation For Children.

**OPPOSERS:** Those who oppose the bill say while intentions may be good there are ramifications from an administration perspective

that have not been calculated. Losing students from one public school across multiple grade levels will create a ripple effect for that school inasmuch that the district will lose programs, then teachers, then be forced to close. Open enrollment policies similar to the proposed bill have led to segregation of districts and a lack of equity. Additional concerns were expressed that providing opportunities for the Department of Elementary and Secondary Education to develop model policy and create rules will allow the department to introduce a "woke agenda".

Testifying in person against the bill were Beth Boerger; St. Louis Public Schools, Cooperating School Districts of Greater Kansas City; Armorvine; Missouri State Teachers Association; Mike Lodewegen, Missouri Council of School Administrators; Missouri NEA; and the American Federation of Teachers-Missouri.

OTHERS: Others testifying on the bill say that districts having the opportunity to manage capacity and adjust for potential increases in populations and demand is a critical component.

Testifying in person on the bill was the Special School District.

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.