

HCS HB 303 -- ADMISSION OF NONRESIDENT PUPILS

SPONSOR: Wiemann

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Elementary and Secondary Education by a vote of 12 to 4.

The following is a summary of the House Committee Substitute for HB 303.

The house committee substitute specifies that beginning in the 2021-22 school year any person that owns residential or agricultural real property in any school district, and pays a school tax in that district may send children to that district, upon notification to the district at least 30 days prior to enrollment, and the district shall count that child for the districts average daily attendance.

This bill adds Sections 167.1200 to 167.1230 and labels these sections as the "Public School Choice Act". The bill defines "non-resident district", "public school choice student", and "resident district" along with additional definitions specific to these sections (Section 167.1200, RSMo).

The bill specifies that a student may attend school in any nonresident district. The nonresident district is not required to add teachers, staff, or classrooms to accommodate transfer applicants and the school may establish standards for transfer applications and post the information on the school website and in the student handbook.

Students who wish to attend nonresident schools that have an academic or competitive entrance process shall furnish proof that they meet the admission requirements.

The committee substitute requires the Department of Elementary and Secondary Education (DESE) to develop a model policy for districts that will establish specific standards for acceptance and rejection of transfer applications.

No transfers under this act may begin until the school year 2023-24 (Section 167.1205).

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 year 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. Parents will be responsible for transportation to an existing bus stop location in the nonresident district. For the purposes of federal and state aid the student shall be counted as a resident pupil of the nonresident district. Resident districts will calculate the per-pupil average daily local effort amount and upon notification by the nonresident district of the number of days the student was enrolled send such amount for each day (Section 167.1210).

The bill 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. The committee substitute requires districts to develop a waiting list procedure with recommended priorities (Section 167.1215).

The processes for a transfer application, and the details for notifications of acceptance or rejection are specified within the bill. The bill explains the reasons that an eligible application may be rejected and notification must be provided in writing by August 1 of the school year for which the student wishes to attend (Section 167.1220).

This bill provides that, prior to April 1, 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 (Section 167.1225).

The bill specifies when a student may be denied a transfer based on his or her discipline record and includes an appeal procedure. The Department of Elementary and Secondary Education 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).

This bill has a delayed effective date of July 1, 2022 and adds an emergency clause for one section.

This bill is similar to HB 2310 (2020) and HB 465 (2019).

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

PROPONENTS: Supporters say that there are 44 states that offer open enrollment, and that this bill provides a choice for parents that want better opportunities for their children.

Testifying for the bill were Representative Wiemann; Missouri Education Reform Council; and the American Federation for Children.

OPPONENTS: Those who oppose the bill say that often times parents that do have an open enrollment option have difficulty providing transportation to another district, and that students without resources really don't have a true opportunity to take advantage of programs like this.

Testifying against the bill were Dr. Chris Ford; Tonya Woods, Thayer R-II School District; Missouri NEA; Arnie Dienoff; Special School District of St. Louis County; Missouri State Teachers Association; Kyle Kruse, St. Clair R-XIII School District; Roger Schmitz, Lawson R-XIV; Dr. Daniel Clemens, North Kansas City Schools; Missouri Association of School Administrators; and North Kansas City and St. Louis Public Schools.

OTHERS: Others testifying on the bill provided written testimony.

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.