

5-28-13: Proposed Open Enrollment Law Adjustments (A7 amendment to HB 3075)

Issue #1: The current open enrollment law allows districts to set geographic limitations on student enrollment; this was not intended. For example, a district using the current open enrollment law may choose to only accept students from specific school districts, cities or even neighborhoods.

Proposed Solution (A7 amendment: page 2, line 21): If a district chooses to open their borders under the law, they should not be able limit where the students come from; this change is consistent with the intent of the original law and revises the statute so that students from all communities have equal opportunities.

Issue #2: The current law makes students who transfer under open enrollment permanent resident students of the enrolling district. The student retains the option of leaving at their discretion and enrolling in the school district where they maintain residence. Under current law, concerns have been raised about students leaving their new district during the first year, including as a way to avoid disciplinary issues.

Proposed Solution (A7 amendment: page 2, line 29 through page 3, line 9): School districts that enroll open enrollment students should be encouraged to meet with students who are considering leaving during the first school year to consider solutions and avoid disruption for the student. Districts should be prohibited from asking or encouraging students to leave who may be facing disciplinary issues. The right to an education in the district of residence is not impacted; this is consistent with the original law.

Issue #3: The current law was crafted to require school districts to provide school bus transportation for open enrollment students within their district borders on their current bus routes; reimbursement for these costs was expressly allowed. However, the law inadvertently creates an incentive for school districts to drive buses that only transport open enrollment students to and from school into neighboring districts; reimbursements for these costs from the State School Fund are currently allowed.

Proposed Solution (A7 amendment: page 3, line 25 through page 4, line 2): School districts should still be allowed to bus students at their discretion. However, the creation of bus routes whose sole purpose is to transport open enrollment students to take advantage of the current reimbursement loophole should be restricted as it was not envisioned in the original legislation. Bus miles traveled outside of the school district to bus open enrollment students would be ineligible for reimbursement if there are only open enrollment students on the bus. No other bus routes would be impacted by this change; this provision is consistent with the intent of the original law.

Issue #4: Some school districts have engaged in advertising campaigns to promote the open enrollment spaces in their school district. Direct mail, newspaper ads and other forms of direct media and advertising have been observed and reported across the state. While school districts should be able to hold open houses, issue press releases or produce promotional materials for their school district, they should not be able to use State School Fund monies to purchase some types of advertising to promote open enrollment.

Proposed Solution (A7 amendment: page 7, line 6-20) Prohibit State School Fund dollars (monies intended to support the classroom) from being spent to promote open enrollment outside of the school district's boundary; this includes, but is not limited to spending on television, radio, direct mail, signage or billboards, or on online direct marketing efforts. This would not impact any materials not directly related to open enrollment or any traditional public information practices or campaigns of school districts.