



# OPEN DISTRICTS

## *Model Policy*

*ExcelinEd Policy Toolkit - 2020*

### OPEN DISTRICTS

#### I. Short Title

This act shall be known and may be cited as the “Open Districts Act,” (the “Act”).

#### II. Legislative Purpose

The purpose of this Act is to:

- a. Increase learning opportunities for students;
- b. Create new flexibilities for families and children;
- c. Ensure equal opportunity for all students to access the highest quality public education options.

#### III. Definitions

- a. A “parent” means any person who is the legal guardian of a child who is entitled to receive a free and appropriate public education under state statutes.
- b. A “sending school district” means the school district in which a potential transfer student resides.
- c. A “receiving school district” means a school district in which a potential transfer student does not reside, and a potential transfer student would like to attend.
- d. The “average per pupil expenditure” means the aggregate current expenditures of the school district divided by the total number of children enrolled in the district for whom they provide free public education.

#### IV. Open Districts Act

- a. Within seven (7) calendar days of receiving a written request from a parent, the transfer of a student from the sending school district to a receiving school district shall be granted by the receiving school district unless the number of transfer requests exceeds the capacity of the receiving school district. If capacity is insufficient to enroll all potential transfer students, then the receiving district shall select students through a public lottery.
- b. A student who transfers may continue to attend the district to which the student transferred and shall not be required submit any subsequent request for transfer unless the student begins to attend a district other than the receiving district.

#### V. Requiring school districts to establish policy and report capacity and expenditures

- a. The local school board shall adopt a policy to determine the number of transfer students the school district has the capacity to accept for each class, grade level, and school no later than sixty (60) calendar days after this Act is in effect. The policy shall be publicly posted on the school district’s website.
- b. By the first of each month, the local school board shall establish the number of transfer students the school district has the capacity to accept in each grade level and school.



- c. After establishing the number of transfer students the school district has the capacity to accept in each grade level and building, the local school board shall:
  1. publish the number of transfers for each grade level and school the school district has the capacity to accept in a prominent and publicly accessible place on the school district's website; and
  2. report the number of transfers for each grade level, each school, and the school district that the school district has the capacity to accept to the state's Department of Education.
- d. By October 1 of each year, school districts shall report the average per pupil expenditure to the state's Department of Education.
- e. The state's Department of Education shall publish the data received from school districts under subparagraphs (c) and (d) under section V of this Act in a prominent and publicly accessible place on the department's web site.

#### **VI. Right to Appeal**

If a request for transfer is denied, an appeal may be taken to the State Board of Education by the requesting parents or student, if commenced not more than ten (10) days after the denial. An appeal is commenced by mailing a notice of appeal by certified mail to the superintendent of the receiving school district and the State Board of Education. If the State Board of Education does not hear the appeal within sixty (60) calendar days of being commenced, then the transfer student's request to attend the receiving school district is approved with immediate effect. The state's Department of Education shall develop forms for this purpose, and the state's Department of Education shall assist the parents or student in the mechanics of commencing the appeal. The State Board of Education shall promulgate rules to establish the process for appeals.

#### **VII. Funding & Transportation**

- a. The receiving school district shall charge the sending school district tuition for each transfer student for every year the student attends the receiving school district. The annual tuition amount per student transfer shall be equal to the average per pupil expenditure of the sending school district divided by the number of school days and multiplied by the number of school days the student is enrolled in the receiving school district minus the sum of per pupil state-level funding and per pupil federal funding that would have been allocated to the sending school district for the transfer student.
- b. The receiving school district shall offer to provide for the transportation of the student.