



TESTIMONY

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ENSURING STUDENTS ACCESS TO QUALITY SCHOOLS

By Brittany Wagner and James V. Shuls, Ph.D.

**Testimony Before the Missouri Elementary and Secondary Education
Committee About House Bill 42**

TO THE HONORABLE MEMBERS OF THIS COMMITTEE:

Ladies and gentlemen of the committee, thank you for the opportunity to submit this joint written testimony. This is our combined work, and it reflects our personal views on House Bill 42 (HB 42) and not those of our employers. Brittany Wagner is an education policy research assistant at the Show-Me Institute, a nonpartisan Missouri-based think tank that supports free-market solutions for state policy. James V. Shuls, Ph.D., is a distinguished fellow in education policy at the Show-Me Institute and an assistant professor of educational leadership and policy studies at the University of Missouri–St. Louis.

When more than 2,000 Saint Louis-area students transferred schools at

the beginning of the 2013-14 school year, many were concerned about the impact. The focus of the concern was on how the transfers affected the schools involved, rather than on the transferring students. The students were fleeing unaccredited school districts in hopes of finding a better education. Though most agree that students should have access to accredited schools, calls for ending or “fixing” the transfer program came pouring in.

Right now, the legislature has the opportunity to do something remarkable. You can change the way we think about public education in Missouri. You have the ability to create a new and improved educational system. You are not charged with limiting the number of transfer students or protecting school districts from closure, as some

**ADVANCING LIBERTY WITH RESPONSIBILITY
BY PROMOTING MARKET SOLUTIONS
FOR MISSOURI PUBLIC POLICY**

have suggested. You are charged with ensuring that every student in Missouri has access to a quality education.

The current version of HB 42, however, falls short of meeting this charge.

HOUSE BILL 42 GIVES CHOICE WITH ONE HAND, TAKES CHOICE FROM THE OTHER

HB 42 has a number of excellent features. The bill not only would allow students in unaccredited school districts to transfer to charter schools in other districts, but it would also expand virtual school options. Virtual schools provide online instruction as opposed to a traditional brick and mortar educational experience. Other provisions in this bill, however, will limit the number of students that would benefit from these options.

HB 42 would establish a system of school accreditation by building rather than by district. This system would prevent students from transferring out of the district if there are available seats at an accredited school within the district. Rather than allowing students in an unaccredited school to choose among the dozens of high-quality schools in the broader Saint Louis area, this provision would require a student's first choice to be a school within the district that is failing them. This feature was clearly designed to limit, not expand, educational options.

HB 42 also will prevent students from transferring if they have not been enrolled in or have not attended an unaccredited school district for at least one semester. There is little to

no evidence that families are moving into failing school districts to take advantage of the transfer program.¹ There is evidence, however, that some children from high-poverty backgrounds are functionally homeless or have high mobility rates.² A child who moves from one relative's home to another would not be able to participate in the transfer program under the proposed measure. Children who have attended private schools or have been homeschooled also will not be able to participate. This measure disadvantages students from these backgrounds. HB 42 effectively forces students to attend a failing school for at least one semester in order to obtain a quality education.

The proposed legislation provides some alternatives to attending a failing school, but the bill appears designed more to protect the interests of school districts than the individual rights of students. The bill addresses unaccredited districts' concerns about tuition. It addresses accredited districts' concerns by allowing them to reject students based on class-size figures. It also ensures that the test scores of transfer students will not be accounted for by the accredited districts for a period of time. It seems clear, as the chair of this committee has stated, that the goal is to reduce the number of transfer students.³ We submit that the priority should be providing students with access to a quality education now.

SMALL IMPROVEMENTS TO THE SYSTEM

The current version of HB 42 offers some improvements to the overall educational system in Missouri

through the establishment of a school district classification system and by allowing charter schools to purchase public school properties at fair-market value.

School District Classification

HB 42 would codify a system for school district classification. Previously, the state Board of Education prescribed four accreditation statuses: accredited with distinction, accredited, provisionally accredited, and unaccredited. In 2014, the state board declared the Normandy Schools Collaborative "accredited as a state oversight district," a new classification created to limit transfers. This action trapped hundreds of students in the lowest performing school district in the state, causing irreparable damage to their educations. HB 42 would solidify these four classification categories, would hold schools accountable, and would protect a student's right to a quality education.

Abandoned Buildings

While charter schools continue to grow in Missouri's urban cities, HB 42 addresses the acquisition of real estate by charter schools from public schools. Overall, these schools are outperforming their traditional public school counterparts.⁴ Charter schools are doing well despite receiving less funds than traditional public schools. For example, they do not receive public funds for building expenses. Lack of access to affordable real estate often prohibits charter school expansion and the replication of quality charters. St. Louis and Kansas City Public Schools, however,

both have their share of abandoned buildings. As a result, taxpayers are basically funding vacant buildings. Neglected facilities increase the risk of drug and crime incidents in urban communities. Allowing public charter schools to purchase taxpayer-owned real estate at fair-market value could increase educational opportunities while revitalizing blighted neighborhoods.

MISSED OPPORTUNITIES

We think it is foolish to draw an arbitrary line in the sand around private schools. Saint Louis and Kansas City have many high-quality parochial and sectarian private schools, which students in unaccredited school districts would be fortunate to attend. Yet, we understand that allowing an option for private school choice may be politically unfeasible at the current time. In addition to neglecting private school choice, HB 42 also has missed the chance to effect change by not addressing open enrollment in charter schools.

Open Enrollment in Charter Schools

Since at least the 1960s, and possibly before, there have been calls to create a unified school district in the Saint Louis area. The most famous call may have come from “The Report of the Missouri School District Reorganization Commission of 1968,” otherwise known as the Spainhower Report.⁵ Nearly 50 years after this report, the geography of school districts in Saint Louis remains relatively unchanged, though some continue to call for open enrollment, which provides unrestricted access

to schools based on choice. While local school districts may resist consolidation, an open-enrollment system can be created among charter schools.

Open enrollment among charter schools would help the development of high-quality charter schools in unaccredited school districts. Currently, charters have very little incentive to open in Normandy, Riverview Gardens, or other small, struggling school districts. Charters survive on the attendance of students. In large districts with 15,000 students or more, it is not too difficult for a charter to carve out a niche market. In a small 3,000-student district, however, charters would have a difficult time attracting sufficient students. Allowing charters to enroll students across district boundaries would incentivize more schools to open in unaccredited school districts. Such freedom also could help create a system of educational opportunity that was not restricted to arbitrary boundaries.

CONCLUSION

There are some positive elements in HB 42, but unnecessary provisions and missed opportunities would limit the bill’s effect. The bill could expand options for students by removing the requirement to transfer within an unaccredited district first and by removing the mandate to attend an unaccredited district for one semester. Additionally, the bill could be significantly improved by creating a complete open-enrollment system for charter schools. Such a system would provide all students an opportunity to attend a high-quality charter school

and would incentivize the opening of additional charter schools in unaccredited school districts.

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NOTES

1. Elisa Crouch, “End of Normandy Transfers Leaves Some Parents in a Lurch,” St. Louis Post-Dispatch (July 17, 2014), http://www.stltoday.com/news/local/education/end-of-some-normandy-transfers-leaves-parents-in-the-lurch/article_0474025e-2c96-5472-a975-b86691ec647f.html.
2. According to Beyond Housing, Normandy has an annual mobility rate of over 50 percent. Thirty-one percent of students are functionally homeless, <http://www.beyondhousing.org/wordpress/wp-content/uploads/2014/02/NSD-Reformation-Plan.pdf>.
3. Mike Lear, “Senate to Debate School Transfer Bill This Week,” *Missourinet* (February 16, 2015), <http://www.missourinet.com/2015/02/16/senate-to-debate-school-transfer-bill-this-week/>.
4. “National Charter School Study,” Center for Research on Education Outcomes, 2013, <http://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf>.
5. “School District Organization for Missouri: A Plan to Provide Equal Access to Educational Opportunity for All Children,” Missouri School District Reorganization Commission, 1968, <http://files.eric.ed.gov/fulltext/ED026171.pdf>.



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