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TO: School Committee
FROM: Liam Hurley, Assistant Superintendent / Chief Financial and Administrative Officer
DATE: January 8, 2024
RE: Public Presentation on Inter-District School Choice Program

We look forward to discussing the Massachusetts Inter-district School Choice program with the School Committee on January 8. We plan to discuss the State Law, program administration, rights and responsibilities of accepted students, and potential fiscal impact.

Additionally, we are pleased to have two staff members from the Department of Elementary and Secondary Educations (DESE's) team, including Robert O'Donnell, Director of School Finance, and Cheryl Loiselle, Senior Fiscal Analyst. They will also be able to assist with any questions the Committee may have.

Please also see the following links for other pertinent School Choice information:

[DESE - Inter-District School Choice Program](#)

[Advisory on Inter-District School Choice Pursuant to G.L. c. 76, §12B](#)

[Advisory Memorandum on Financial Administration of the School Choice Program](#)

[DESE: Choosing a School: A Family Guide to Educational Options in Massachusetts](#)

[DESE School Choice FAQ's.docx](#)

[School Choice MGL's.docx](#)

[School Choice Program Administration Webinar October 2023.pptx](#)

[DESE MA School Districts School Choice List 23-24](#)

Public Presentation on Inter-District School Choice to School Committee

January 8, 2024



Agenda

- State Law MGL c.76 s. 12B
- Program Administration
- Non-Discrimination Requirements
- Rights and Responsibilities of Accepted Students
- Projected Fiscal Impact
- Next Steps

State Law MGL c.76 s. 12B

- The inter-district school choice program under G.L. c. 76, § 12B, allows families to enroll their children in schools in communities other than the city or town in which they reside.
- All Massachusetts school district are required to accept the inter-district School Choice program unless they vote to opt out by June 1st
- On an annual basis, school districts may opt-out completely or opt-in on a limited basis determined by the School Committee by school, grade, and number of available spaces.

Program Administration

- If a district accepts School Choice students, they are responsible for communicating this to prospective parents/students
- If a limited number of seats are available and more students are interested than available seats, the school district must select students on a random basis without discrimination
- Receiving Districts must notify both DESE and the Sending Districts of enrolled students
- The school choice tuition for students is \$5,000 per student
- For a student with an individualized education plan (IEP), a special education increment is added to the tuition rate that the receiving district is paid
- School Choice students who require an out-of-district placement become the financial responsibility of the receiving district but the receiving district may receive a reimbursement of some of these cost similar to the Circuit Breaker program.

Non-Discrimination Requirement

- *“...no school committee shall discriminate in the admission of any child on the basis of race, color, religious creed, national origin, sex, gender identity, age, sexual orientation, ancestry, athletic performance, physical handicap, special need or academic performance or proficiency in the English language.”*

Rights and Responsibilities of Accepted Students

- Once enrolled in a “*receiving district*”, a School Choice student has the right to continue attendance through grade graduation
- School Choice students have the same rights to all educational and co-curricular programs as resident students under the same terms and conditions.
- Receiving Districts are not required to provide School Choice students with transportation.
- When transportation services are required by a student's IEP, the sending district must pay the full cost.

Possible Financial Impacts (Hypothetical only)

Students Across Grades K-12	200	For Hypothetical calculation only
Expected at 95% FTE Enrollment	190	Assumes does not fill every space
Annual Tuition Received Per Student*	\$5,000	Set by State Law
Budgeted Total Revenue into School Choice Revolving Account (190 X \$5,000)	\$950,000	Funds may be used to offset any school expenditure, would recommend teacher salaries

*Does not include any Special Education Increment that would be added for a students with an IEP

Next Steps

- January 22, 2024 - School Choice Discussion with School Committee
- February 5, 2024 - Class Size and Enrollment Report
- February 26, 2024 - Demographic and Enrollment Presentation
- March 4, 2024 - Neighborhood School Discussion
- April 1, 2024 - Public Hearing on School Choice
- April 4, 2024 - School Committee Vote on School Choice

Other helpful links/information:

[DESE - Inter-District School Choice Program](#)

[Advisory on Inter-District School Choice Pursuant to G.L. c. 76, §12B](#)

[Advisory Memorandum on Financial Administration of the School Choice Program](#)

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[School Choice Program Administration Webinar October 2023.pptx](#)



QUESTIONS

School Choice Inter-District Program

October 2023

Contents

- Overview of Inter-District School Choice Program
- Application Process
- School Choice Participation Plans
- School Choice Rosters and Claim Forms
- Q & A

Overview of the Inter-District School Choice Program

The inter-district school choice program allows families to enroll their children in schools in communities other than in the city or town or regional school district where they reside



The inter-district school choice program is governed by [G.L. c. 76, § 12B](#)

- Participating districts should use the program fill empty seats, not create new classrooms
- Tuition is paid by the sending district to the receiving district
- Transportation is provided by the family unless indicated by a student's IEP
- Receiving districts must use a random selection process to admit students
- Students enrolled in school choice have the same rights as resident students
- Even if your district does not participate in School Choice, students can still opt to attend other districts
- Once a student is admitted in the school choice program the student does not need to reapply each year

There are three key activities each year.

Activity	Date
Application Process (Receiving Districts): <ul style="list-style-type: none">•Set up a school choice application process	Fall/Spring
Reporting School Choice Participation Plans (All Districts): <ul style="list-style-type: none">•Schedule school committee vote if necessary•Report school choice participation plans to DESE	Early Spring By June 1
Submit (Receiving Districts) and Review (All Districts) School Choice Rosters and Claim Forms: <ul style="list-style-type: none">•Review preliminary sending and receiving school choice rosters for accuracy•Submit School Choice Claim Forms (receiving districts only)•Review final school choice rosters for accuracy (all districts)	Mid-December April/May Mid-June

Application Process

Receiving districts should outline an application process and advertise open seats

Checklist

- Create a school choice application
- Translate the application into the most common languages spoken in your district
- Set a deadline for families to apply, if necessary
- Advertise the open school choice seats on your website, including the district's admission process and deadlines
- Conduct an admissions lottery if there are more applicants than seats available prior to July 1 and again, assuming there are seats available, prior to November 1
- Keep a waitlist for one year
- Refer to the admissions section of the [Frequently Asked Questions and Answers](#) document

Website, Advisory, and FAQ links

[Advisory on Inter-District School Choice](#)

[School Choice FAQs](#)

[Inter-District School Choice](#)

Receiving districts must use a random selection process for admission

FAQ 8. Must a school district use a random selection process?

The statute requires a random selection process if there are more applications for admission than there are seats available. The statute also prohibits school districts from discriminating in the admission of any student on the basis of race, color, religion, national origin, sex, gender identity, age, sexual orientation, ancestry, athletic performance, physical handicap, special need, academic performance, or proficiency in the English language. G.L. c. 76, § 12B(j).

Receiving districts cannot consider a student's disciplinary record prior to admission or use it to rescind admission

FAQ 15. May a receiving district consider a student's disciplinary record prior to accepting a student?

No. A receiving district may not consider a student's disciplinary record during the admission process under G.L. c. 76, § 12B. In consultation with its lawyer, a district may consider beginning its own disciplinary process once a student is attending.

FAQ 17. May a receiving district rescind an offer of admission based upon a student's disciplinary record?

No. A receiving district may not rescind an offer of admission based upon a student's disciplinary record. In consultation with its lawyer, a district may consider beginning its own disciplinary process once a student is attending.

Application questions should not ask about special education status, discipline, or attendance records

Examples of information that you cannot collect in your applications:

- Does this student require a special education program?
- If your student has an IEP, in what area(s) does your student receive support?
- Why do you wish that your student will attend this district?
- I certify that my child has not been suspended for a total of five (5) or more days in the preceding school year.
- I certify that my child has not had a total of five (5) or more days of unexcused absences in the preceding school year.

Only siblings of current school choice students can have preference for available seats

FAQ 13. May a school district establish a preference for the children of school district or other municipal employees when admitting students through school choice?

No. A preference for admission on any basis other than for siblings is inconsistent with the random selection requirement in the statute. Outside of school choice, however, a school district may admit children of school district and municipal employees under G.L. c. 76, § 12. Also see FAQ No. 29. The receiving district is not eligible to receive school choice tuition for such students.

In a spilt custody situations, not all students qualify as school choice

FAQ 32. If a student lives in two school districts and attends school in one of those districts, is that student a school choice student?

No. If a student lives in two separate residences because his or her parents share physical custody, irrespective of how that time is divided, the student may choose either location as the district of residence for purposes of attending school. That student is considered a resident of whichever district in which he or she chooses to attend school. Such students are not counted or reported as school choice students.

FAQ 33. If a student lives in two school districts and applies to a third district through school choice, which district of residence is the sending district?

Both districts of residence are sending districts, and the school choice tuition is split between the two districts.

Students attending K-8 districts do not have an automatic right to progress to the regional high school

FAQ 34. Does a student who attends an elementary or K-8 school district through school choice have an automatic right to progress with resident students to a regional high school?

No. Effective beginning with fiscal year 2020, school year 2019-20, a school choice student admitted to an elementary or K-8 district does not have a right to attend high school in a regional school district, including a regional vocational technical district. Because regional school districts are districts separate from municipal school districts, those districts separately determine whether to participate in school choice and, if so, into which schools, grades, and programs it will admit students through school choice.¹² If the regional school district operating the high school participates in school choice, a non-resident student may seek to attend the regional high school through school choice under G.L. c. 76, § 12B.

- Note: This is a change from the Department's prior interpretation of the school choice statute, which advised that a non-resident student admitted through school choice had an automatic right to progress to a separate regional school district for later grades.

If you have unique reporting scenarios, contact the School Choice Office

If your district tuitions students at higher grades to another district through a tuition agreement and your district is school choice (FAQ 35).

Students in private out-of-district placements who have moved to a different school district during the fiscal year, the move-in law may apply.

Questions from the Webinar Registration

- What should a district do when a school choice student needs to be placed in an out-of-district placement?
- What happens if you accept a school choice student and your specialized programming is full?
- If you have unfilled school choice slots, do you need to accept students all year?

School Choice Participation Plans

A school committee vote is needed when a district opts not to participate in school choice

- **Not Participating:** The inter-district school choice law requires all districts to accept incoming school choice students unless the school committee votes not to participate. The required school committee vote must be taken annually, prior to June 1.
- **Participating:** If the district is accepting incoming school choice students, the school committee does not need to vote, but may vote to affirm the district's decision or to limit the number of incoming students in particular grades.
- **Reporting participation status:** Once the district has finalized their participation status, the district will report results to DESE using the survey link: [School Choice Participation Survey](#).

School Choice participation plan survey

Massachusetts School Choice Participation Plans

The inter-district school choice law (G.L. c.76, s.12B) requires all districts to accept incoming school choice students unless the school committee votes not to participate or votes to limit the number of incoming students in particular grades. The required school committee vote must be taken annually, prior to June 1 for participation in the following school year.

All districts must report their school choice participation plans to the Department of Elementary and Secondary Education using this survey by June 1 for the following school year. This information will be published on the Department's website to inform families of their school choice options.

Please note that if we do not receive your response, your district will be listed as open to school choice enrollment.

If you have any questions, please email schoolchoice@mass.gov.

Thank you for your cooperation.

1. Select your district: *

2. Select the upcoming school year that you are reporting your district's school choice participation plans: *

3. Contact name: *

4. Title: *

5. Email: *

6. Phone: *

7. Did your school committee hold a vote on the question of whether or not to accept new school choice students for next school year? *

Yes

No

8. Will your district accept new school choice students next school year? Please note: If you answered no to question 6, you must answer yes to this question. *

Yes

No

9. This question is not related to inter-district school choice, but we are using this survey to collect information for the Department's College, Career, and Technical Education (CCTE) Office:

Has your school committee designated a school of preference for vocational programs pursuant to the [nonresident vocational student tuition guidelines](#) published by the Department? (Note: Designating a school of preference is optional and is not the same as being a member of a regional vocational technical school district). *

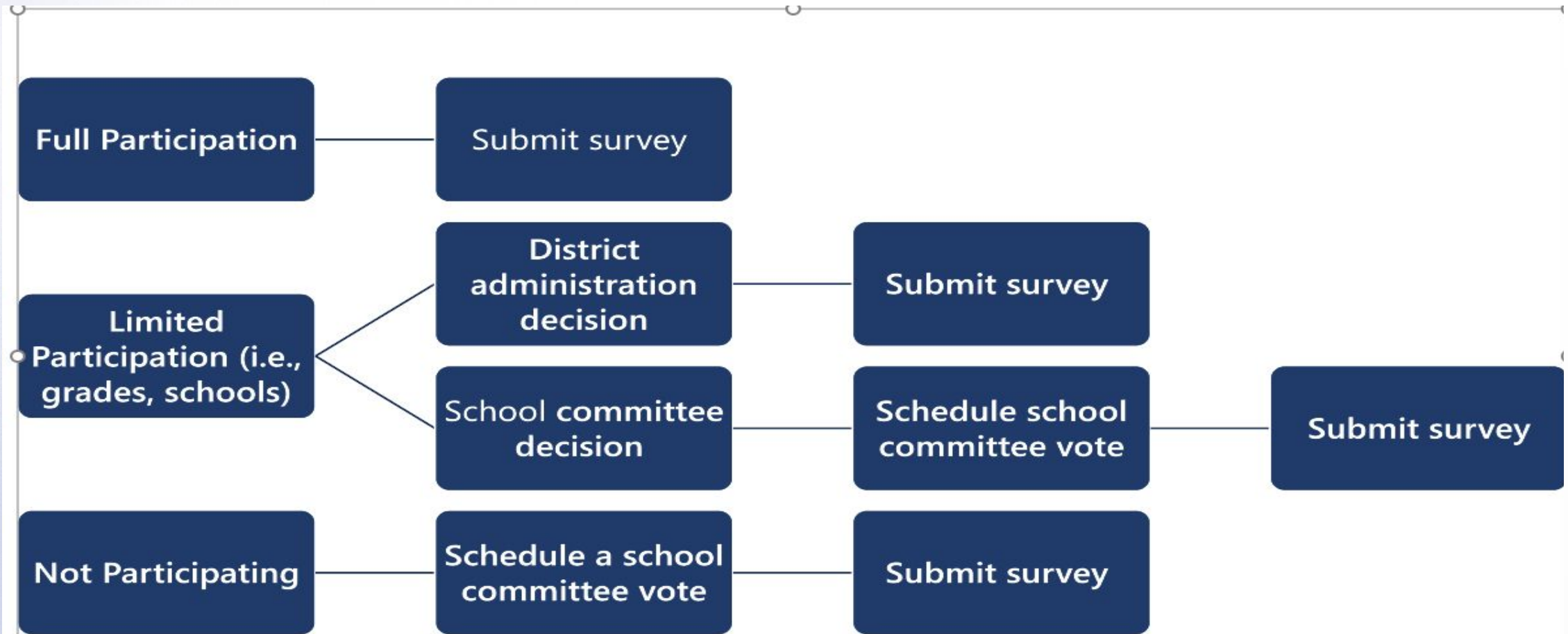
Yes

No

No, but we are considering doing so

Not applicable (i.e. for regional vocational school districts)

Each spring districts need to determine participation plans and submit their decision to DESE by June 1st



School Choice Rosters and Claim Forms

School Choice students should be coded in SIMS as DOE13: Reason for Enrollment = 02

- Receiving districts should code school choice students in the SIMS submission as: DOE13: Reason for Enrollment = 02 School Choice
- Districts who have school choice special education out of district placements should still report the student in SIMS as enrolled, school choice and the school code of the outplacement

Review and update your district's school choice records in the School Choice Rosters and Claim Forms application

Application Update	Release Dates	Data Source
Winter Rosters	December/January	October SIMS
Spring Claim Forms (Receiving Districts)	Late March/April	October and/or March SIMS
Final Rosters	June	October and/or March SIMS and Claim Form data

Accessing the School Choice Rosters and Claim Forms Application in the Security Portal

- **School Choice Data User:** This role allows a person to review and update individual School Choice records to determine tuition amounts for school districts participating in the school choice program.
- **School Choice Certification User:** This role allows a person to review and update individual School Choice records and certify the School Choice data for receiving school choice districts.

Stay tuned for a webinar on Spring Claim Forms

If you would like to learn more about the claiming process this spring, you can view last spring's webinar:

[School Choice Claim Forms Webinar Spring 2023](#)

School Choice Administration Survey

In the spring we will be conducting a survey that will be administered to randomly selected districts to better understand how school choice programs are being administered.

The data collected will be used to inform our technical assistance to improve the administration of these programs.

Q & A

Thank you for the work you do supporting students and families.



Contact Information

SchoolChoice@mass.gov