

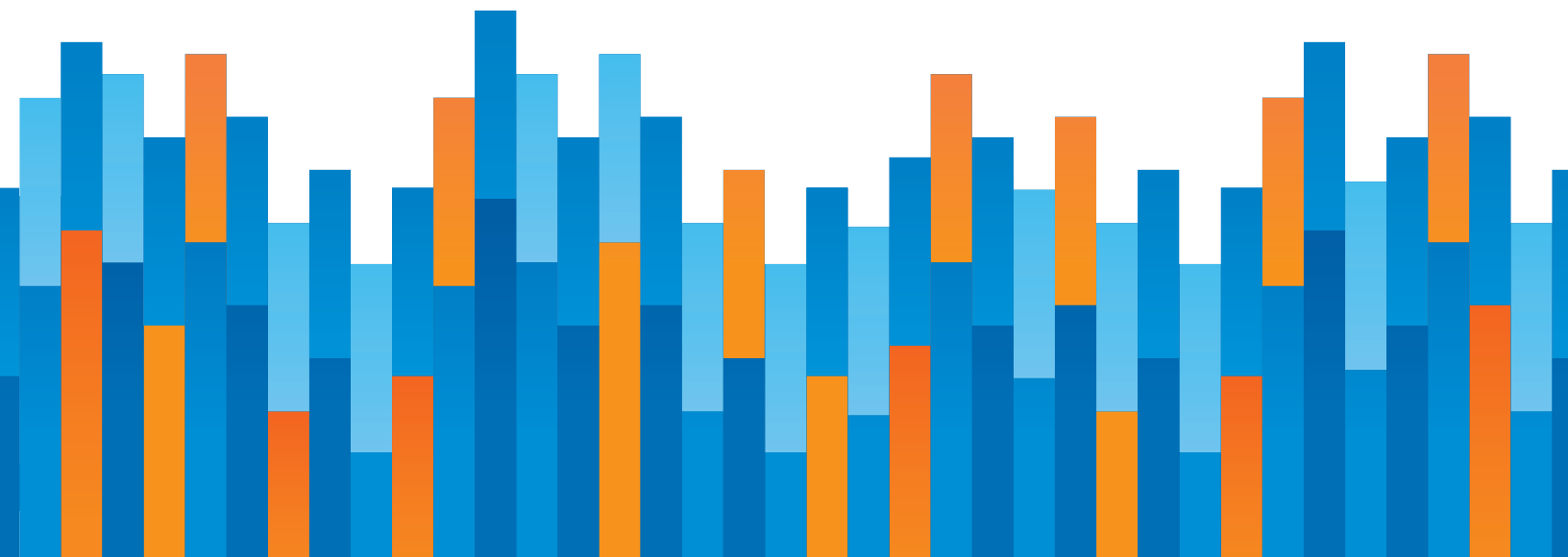


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PUBLIC SCHOOLS WITHOUT BOUNDARIES 2024

by Jude Schwalbach

October 2024





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PART 1

INTRODUCTION

K-12 open enrollment lets students transfer to public schools other than their residentially assigned one so long as space is available. School parents widely support this policy. Polling from October 2023 by *yes. every kid.* and YouGov showed that 84% of school parents supported it, while EdChoice’s July 2024 polling showed that 73% of school parents supported open enrollment.¹ EdChoice’s polling found that, of this subgroup, 69% of Republicans, 81% of Democrats, and 71% of Independents supported the policy.² Open enrollment policies can help many students find schools that are the right fit, which is critical since 85% of K-12 students nationwide are enrolled in public schools.³

Unfortunately, most states’ student transfer laws are weak or ineffective. Only 16 states had strong open enrollment laws in 2023. However, three states—Indiana, Nebraska, and Oklahoma—significantly improved their open enrollment laws during the 2024 legislative sessions. At the same time, policymakers in 21 states introduced at least 40 bills that aimed to improve open enrollment laws. This analysis updates Reason Foundation’s 2023 ratings of states’ open enrollment laws, introduces new metrics and a new ranking system, and highlights the latest open enrollment research.

¹ *Yes. every kid.* Foundation. and YouGov, “Landmark poll: Americans believe expanding freedom strengthens education,” October 18, 2023, www.yeseverykidfoundation.org/landmark-poll-americans-believe-expanding-education-freedom-strengthens-the-nations-education-system/ (accessed 1 July 2024).

² EdChoice-Morning Consult, “National Tracking Poll #2407020,” July 09-12, 2024, www.edchoice.morningconsultintelligence.com/downloads/ (accessed 8 August 2024).

³ Institute for Education Sciences, National Center for Education Statistics, “Percentage distribution of students enrolled in grades 1 through 12, by public school type and charter status, private school orientation, and selected child and household characteristics: 2019,” www.nces.ed.gov/programs/digest/d22/tables/dt22_206.30.asp?current=yes (accessed 1 July 2024).

PART 2

NEW RESEARCH ON K-12 OPEN ENROLLMENT

Reason Foundation's 2022 and 2023 reports on open enrollment included the latest data about its benefits.⁴ Since then, education researchers have published new data on open enrollment.

2.1

BENEFITS OF OPEN ENROLLMENT

Students participating in Arizona's, Colorado's, and Florida's open enrollment programs tended to transfer to school districts that were ranked higher by the state, according to Reason Foundation research.⁵

A 2024 report by Tufts University Professor Elizabeth Setren about the Metropolitan Council for Educational Opportunity (METCO), a voluntary open enrollment program in Boston,

⁴ Jude Schwalbach, "Examining every state's open enrollment policies," Reason Foundation, October 26, 2024, www.reason.org/open-enrollment/public-schools-without-boundaries-2023/ (accessed 1 July 2024); Jude Schwalbach, "Public schools without boundaries: Ranking every state's K-12 open enrollment policies," Reason Foundation, November 3, 2022, www.reason.org/open-enrollment/public-schools-without-boundaries-a-50-state-ranking-of-k-12-open-enrollment/ (accessed 1 July 2024).

⁵ Jude Schwalbach, "The Hidden Role of K-12 Open-Enrollment Policies in U.S. Public Schools," *Education Next*, July 9, 2024, www.educationnext.org/the-hidden-role-of-k-12-open-enrollment-policies-in-u-s-public-schools/ (accessed 9 July, 2024); Jude Schwalbach, "Last Year, 200K Colorado Kids Used Open Enrollment to Pick Their District School," *The74*, August 8, 2024, www.the74million.org/article/last-year-200k-colorado-kids-used-open-enrollment-to-pick-their-district-school/ (accessed 8 August 2024)

Massachusetts, showed that students were motivated to participate due to smaller class sizes and access to Advanced Placement (AP) classes.⁶ This research compared METCO participants with students who applied to METCO but were not accepted between the 2002-03 and 2019-20 school years. It found that METCO participants had higher math scores on state tests in 3rd-8th and 10th grades and that METCO participants in 3rd-8th grades scored higher on state tests in English Language Arts. METCO participants also had increased attendance, lower suspension rates, and increased on-time graduation rates compared to denied applicants. Notably, METCO participants were 17 percentage points more likely to enroll in a four-year college and six percentage points more likely to graduate from college than their denied peers. The report also found that METCO participants were more likely to be employed in Massachusetts and have increased earnings.⁷

2.2

BARRIERS TO OPEN ENROLLMENT

Available to All published a report showing that 26 states do not criminalize address sharing, which occurs when families falsify their addresses to gain access to certain public schools. It found that no state requires school districts to reserve capacity for cross- or within-district transfer students and that only 21 states always let students transfer without the approval of their residentially assigned school districts.⁸ A 2024 brief by yes. every kid. found that one state—Idaho—prohibits school districts from discriminating against applicants based on where they live.⁹

In 2023, Ballotpedia collected data on the open enrollment policies of 45 school districts in 17 states. These data revealed the open enrollment practices in mostly large, urban school districts and the barriers many transfer applicants faced. Notably, 56% of these school districts had no clear or objective methodology for determining capacity. Moreover, 31% of the 45 school districts didn't have "essential transfer" information easily accessible on their websites. Lastly, 25% of these school districts required transfer applicants to submit their applications before March of the preceding school year.¹⁰

⁶ Elizabeth Setren, "Research Findings: The Impact of the METCO," January 2024, www.metcoinc.org/research/ (accessed 1 July 2024).

⁷ Ibid.

⁸ "The Broken Promise of Brown v Board of Ed: A 50 State Report on Legal Discrimination in Public School Admissions," Available to All, April, 2024, www.availabletoall.org/report-brown-v-board/ (accessed 1 July 2024).

⁹ Halli Faulkner, "No More Lines: Opening Public Schools to All Families by 2030," yes. every kid., May 9, 2024, www.yeseverykid.com/nomorelines/ (accessed 1 July 2024).

¹⁰ Ballotpedia, "School district open enrollment and attendance zone drawing policies in a selection of districts," October 6, 2024,



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2.3

FISCAL INCENTIVES MATTER

A follow-up analysis of the “Ohio Education by the Numbers 2024” highlighted how the fiscal incentives that can accompany open enrollment policies matter to school districts. Although participation in Ohio’s cross-district open enrollment program steadily increased in prior years, student participation dropped in 2022. The follow-up analysis attributes this decline to a 2022 change to the state’s funding formula, which reduced the funding that followed students to their new school districts. Previously, school districts received a full base amount of more than \$6,000 per transfer, but now only receive a percentage of the base amount. In some cases, school districts received a fraction, just 13%, of previous funding amounts. It also made it difficult for school districts to know how much funding would accompany transfers. As a result, cross-district open enrollment participation dropped by more than 5,900 students, or 7%, between fiscal years 2021 and 2024. This decline was most pronounced in wealthy districts. This case study illustrates why strong fiscal incentives are important to encouraging school districts to participate in open enrollment.¹¹

www.ballotpedia.org/School_district_open_enrollment_and_attendance_zone_drawing_policies_in_a_selection_of_districts (accessed 1 July 2024).

¹¹ Aaron Churchill, “Ohio’s school funding formula is hurting open enrollment,” Fordham Institute, June 6, 2024, www.fordhaminstitute.org/ohio/commentary/ohios-school-funding-formula-hurting-open-enrollment#_ftn4 (accessed 1 July 2024). Aaron Churchill, “Ohio Education by the Numbers—2024,” Thomas B. Fordham Institute, February 27, 2024, <https://fordhaminstitute.org/ohio/research/ohio-education-numbers-2024-edition> (accessed 8 August 2024).

2.4

OPEN ENROLLMENT DATA ARE OFTEN OPAQUE

Reason Foundation published a report highlighting the open enrollment data each state education agency (SEA) must collect or publish by law.¹² The report showed that only 13 states must report the number of transfer students by district annually, only six states report the number of rejected transfer applicants by district annually, only five states annually report why the district rejected applications, and only six states are required by law to publish an annual open enrollment report.¹³ Without these data, policymakers, taxpayers, and families are often in the dark about school districts' open enrollment practices. Families can use these reports to reveal and appeal unfair or bad open enrollment practices, legislators can use them to improve open enrollment laws, and taxpayers can use them to gauge the merit of school districts' requests to increase levies or staffing.¹⁴



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2.5

NEW DATA ON OPEN ENROLLMENT PARTICIPATION

Since open enrollment data are scarce, ascertaining the exact number of students and their characteristics is often challenging. However, collecting the limited open enrollment data available provides insights into how this policy generally affects students and public schools.

¹² Jude Schwalbach, "Transparent K-12 open enrollment data matters to parents, policymakers and taxpayers," Reason Foundation, July 18, 2024, <https://reason.org/policy-brief/transparent-k-12-open-enrollment-data-matters-to-parents-policymakers-taxpayers/> (accessed 18 July 2024).

¹³ Ibid.

¹⁴ Ibid.

On average, 10% of students in Arizona, Florida, and Wisconsin used open enrollment during the 2021-22 school year, totaling more than 450,000 students. Nearly 177,000 of these transferred to schools in other districts. In Wisconsin, open enrollment was the most popular form of school choice and the second most popular in Arizona and Florida during that time according to data published by *Education Next*.¹⁵

TABLE 1: OPEN ENROLLMENT PARTICIPATION IN THREE STATES 2021-22

State	Total open enrollment participants	Number of cross-district transfers	Number of within-district transfers	Percentage of public school enrollment
Arizona	115,932	99,615	15,132	11%
Florida	262,968	5,509	257,459	9%
Wisconsin	71,489	71,489	NA	9%
Total	450,389	176,613	272,591	

Source: Arizona Department of Education, Florida Department of Education, and Wisconsin Department of Public Instruction. Originally published at Education Next.

Similarly, data from Colorado showed that more than 199,000 students used open enrollment during the 2023-24 school year, and about 29% of these were cross-district transfers. Notably, open enrollment participants accounted for 28% of public school enrollments statewide.¹⁶

A report about Indiana’s cross-district open enrollment program found that more than 87,000 students used it during the 2023-24 school year, an increase of about 6% compared to the previous school year. Participation in cross-district open enrollment increased steadily since 2018, growing by 64%. Some districts used cross-district transfers to bolster their enrollments—in seven districts cross-district transfers accounted for half of the districts’ total enrollments.¹⁷

As well, the Georgia Public Policy Center collected data from 21 of Georgia’s 69 largest school districts about the state’s statewide within-district open enrollment program. The report found that nearly 26,000 of the state’s public school students applied for a public school transfer. Of those applications, 79% were approved. This means that at least 20,448

¹⁵ Schwalbach, “The Hidden Role of K–12 Open-Enrollment Policies in U.S. Public Schools.”

¹⁶ Schwalbach, “Last Year, 200K Colorado Kids Used Open Enrollment to Pick Their District School.”

¹⁷ Zak Cassel, “Nearly 1 in 5 Indiana students don’t attend their home school district. Here’s the impact of school choice,” wfyi Indianapolis, June 18, 2024, www.wfyi.org/news/articles/indiana-school-choice-analysis-public-private-transfer-1-in-5-students-home-district (accessed 22 July 2024).

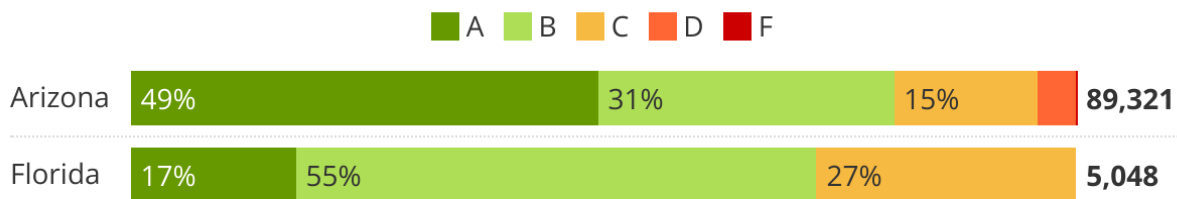
used open enrollment during the 2023-24 school year.¹⁸ Combined with the data from Colorado and Indiana, nearly 307,000 students used open enrollment during the 2023-24 school year in these states.

2.6

STUDENTS USE CROSS-DISTRICT OPEN ENROLLMENT TO ACCESS HIGHER RATED SCHOOLS

Eighty percent of cross-district transfers in Arizona and 72% of those in Florida used cross-district open enrollment to access school districts rated as A or B by the states during the 2021-22 school year.¹⁹

FIGURE 1: CROSS-DISTRICT TRANSFERS BY DISTRICT RANKING 2021-22



Source: Arizona Department of Education; Florida Department of Education.

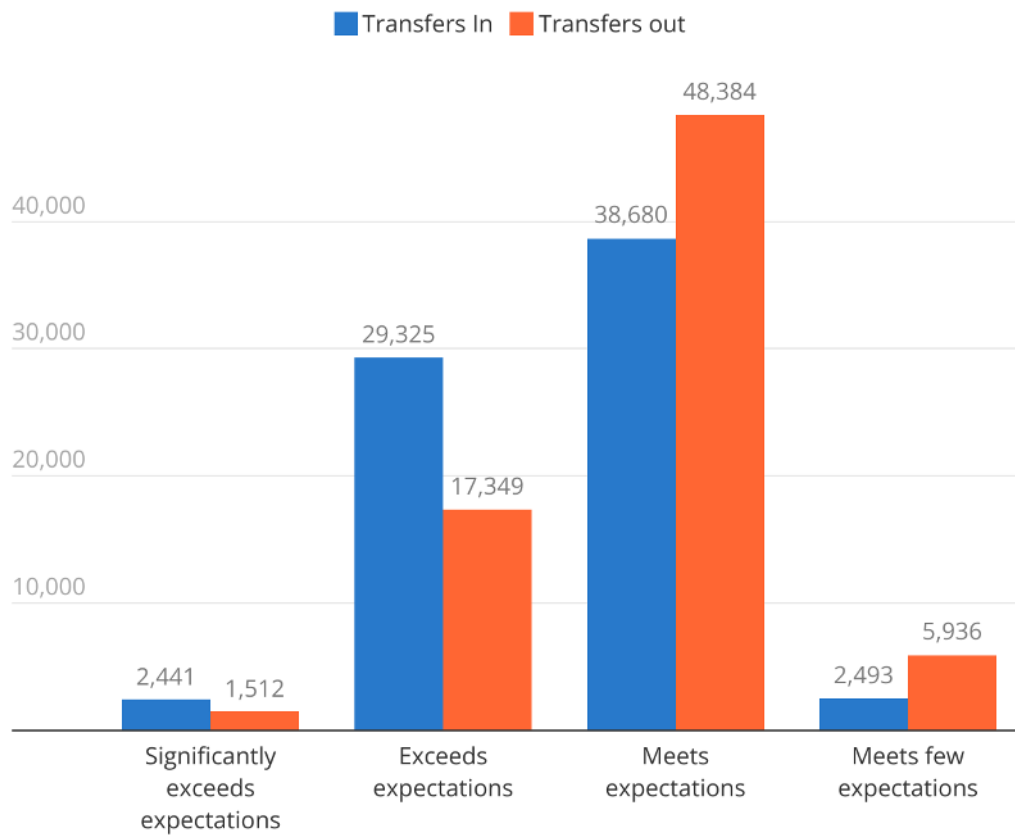
Likewise, Wisconsin school districts with better ratings gained more transfers on net than those with lower ratings. In fact, during the 2022-23 school year, the top-rated Wisconsin school district increased its enrollment by 13,000 students, while lower rated districts lost more than 54,000 transfer students overall.²⁰

¹⁸ J. Thomas Perdue, “Report on Georgia’s Open Enrollment Transfer Environment,” Georgia Public Policy Foundation, April 11, 2024, www.georgiapolicy.org/publications/report-on-georgias-open-enrollment-transfer-environment/ (accessed 1 July 2024).

¹⁹ Schwalbach, “The Hidden Role of K-12 Open-Enrollment Policies in U.S. Public Schools.”

²⁰ Ibid.

FIGURE 2: WISCONSIN CROSS-DISTRICT TRANSFERS BY DISTRICT RATING 2022-23



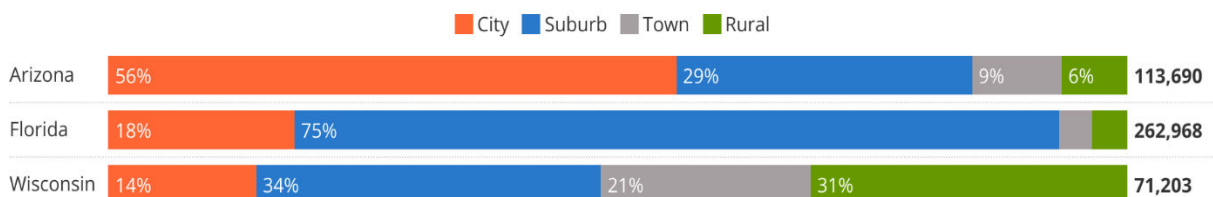
Source: Wisconsin Department of Public Instruction.

2.7

RURAL STUDENTS USE OPEN ENROLLMENT

While data from Arizona, Florida, and Wisconsin revealed that urban and suburban districts generally benefited most from open enrollment during the 2021-22 school year, they also showed that open enrollment is popular in rural school districts, which received more than 29,000 transfers. In Wisconsin specifically, rural school districts received the most transfers after suburban school districts—31% overall.

FIGURE 3: OPEN ENROLLMENT TRANSFERS BY LOCALE 2021-22

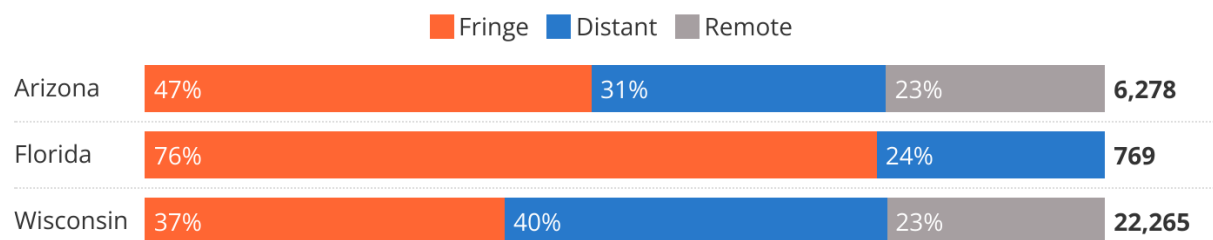


In this chart, 1,056 transfer students were excluded from the Arizona data since NCES didn't clearly categorize three of Arizona's school districts into one of the four locales.

Source: National Center for Educational Statistics; Arizona Department of Education; Florida Department of Education; and Wisconsin Department of Public Instruction.

Rural school districts categorized as “fringe”—those nearest both urbanized areas and towns—benefited most from open enrollment.²¹ In Wisconsin, rural fringe school districts increased their enrollments by 2,500 additional students on net, even though they didn't receive the most transfers.

FIGURE 4: CROSS-DISTRICT TRANSFERS TO RURAL SCHOOL DISTRICTS 2021-22



Source: Wisconsin Department of Public Instruction.

Similarly, in Colorado, rural school districts received more than 7,000 cross-district transfers during the 2023-24 school year. The majority of these rural transfers, 78%, occurred in school districts categorized as remote, those most distant from towns or urban areas.²²

2.8

TUITION CAN BE A BARRIER FOR TRANSFER STUDENTS

Reason Foundation collected data on 62% of Virginia school divisions and found that 55, or 42%, of them charged tuition to cross-district transfer students. The average tuition rate was \$4,000. However, at least eight school divisions charged more than \$10,000 per

²¹ Ibid.

²² Schwalbach, “Last Year, 200K Colorado Kids Used Open Enrollment to Pick Their District School.”

transfer student.²³ Similarly, in Ohio, Reason Foundation found that at least 22 school districts charged tuition to cross-district transfers, with the average tuition fee costing families approximately \$11,000 per student.²⁴ Such exorbitant fees can deter students from transferring schools, reducing options for families to find the best fit for students.

²³ Jude Schwalbach, “Many of Virginia’s public schools charge significant tuition to transfer students,” Reason Foundation, February 21, 2024, www.reason.org/commentary/many-of-virginias-public-schools-charge-significant-tuition-to-transfer-students/ (accessed 1 July 2024).

²⁴ Jude Schwalbach, “When Public Schools Keep Certain Students Out—or Make Them Pay to Attend,” *The74*, April 29, 2024, www.the74million.org/article/when-public-schools-keep-certain-students-out-or-make-them-pay-to-attend/ (accessed 1 July 2024).

PART 3

OPEN ENROLLMENT BEST PRACTICES AND UPDATES

3.1

OPEN ENROLLMENT BEST PRACTICES

Seven key components characterize robust open enrollment laws. While no state has fully adopted all seven practices, one state—Oklahoma—has adopted six of them in full. While previous editions of this study used five metrics to evaluate best open enrollment practices, this year’s analysis introduces two new metrics: #4 Public schools are open to all students, and #7 Transfer applicants can appeal rejected applications. All other metrics remain the same. States only get credit for a metric if it is clearly included in their open enrollment laws.

TABLE 2: REASON’S SEVEN BEST PRACTICES FOR OPEN ENROLLMENT

#1 Statewide Cross-District Open Enrollment: School districts are required to have a cross-district enrollment policy and are only permitted to reject transfer students for limited reasons, such as school capacity.

#2 Statewide Within-District Open Enrollment: School districts are required to have a within-district enrollment policy that allows students to transfer schools within the school district and are only permitted to reject transfer requests for limited reasons, such as school capacity.

#3 Children Have Free Access to All Public Schools: School districts should not charge families transfer tuition.

#4 Public Schools Are Open to All Students: School districts shall not discriminate against transfer applicants based on their abilities or disabilities.

#5 Transparent Reporting by the State Education Agency (SEA): The State Education Agency annually collects and publicly reports key open enrollment data by school district, including transfer students accepted, transfer applications rejected, and the reasons for rejections.

#6 Transparent School District Reporting: Districts are annually required to publicly report seating capacity by school and grade level so families can easily access data on available seats. Open enrollment policies, including all applicable deadlines and application procedures, must be posted on districts' websites.

#7 Transfer Applicants Can Appeal Rejected Applications: Districts must provide rejected applicants with the reasons for their rejection in writing. Rejected applicants can appeal their rejection to the SEA or other non-district entity, whose decision shall be final.

#4 Public Schools Are Open to All Students: School districts shall not discriminate against transfer applicants based on their abilities or disabilities. This language should be included in every open enrollment law; otherwise, school districts can exclude transfer applicants for reasons other than school capacity or applicants' disciplinary records. In particular, states' laws should include a blanket prohibition that stops school districts from discriminating against transfer applicants with disabilities, like Idaho's new law.²⁵ In some cases, state open enrollment laws, such as Florida, don't specify that school districts cannot discriminate against applicants with disabilities.²⁶ Other states, like Utah, only stop school districts from discriminating against students with disabilities when special education programs are available.²⁷ In other cases, states' laws let school districts exclude students based on their abilities. For example, New Hampshire's open enrollment law explicitly states that school districts can discriminate against applicants based on their academic record.²⁸ Similarly, under Kentucky's vague open enrollment law, some school districts, such as Eminence Independent School District, exclude transfer applicants whose cumulative

²⁵ Idaho Legislature, Idaho Statutes, Title 33, Chapter 14, § 33-1402, www.legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1402/ (accessed 1 July 2024).

²⁶ The 2023 Florida Statutes, Title XLVIII, Chapter 1002.31, www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (accessed 1 July 2024).

²⁷ Utah Code, Title 53G Public Education System—Local Administration, Chapter 6 Participation in Public Schools, Part 4 School District Enrollment, §401-407, www.le.utah.gov/xcode/Title53G/Chapter6/53G-6-P4.html?v=C53G-6-P4_2018012420180124 (accessed 1 July 2024).

²⁸ RSA 194-D:4, www.gencourt.state.nh.us/rsa/html/XV/194-D/194-D-mrg.htm (accessed 1 July 2024).

GPA is less than 3.0.²⁹ Clearly stating in law that school districts cannot discriminate against transfer applicants based on their ability or disability ensures that public schools are open to all students.³⁰

#7 Transfer Applicants Can Appeal Rejected Applications: Districts must provide rejected applicants with the reasons for their rejection and information about the appeals process in writing. Rejected applicants can appeal their rejection to the SEA or other non-district entity, whose decision shall be final. Many states don't require school districts to explain why transfer applicants were rejected and provide little recourse to rejected applicants. School districts must be transparent with families and provide a written record explaining why transfer applicants weren't accepted. Without a written record of a rejection, the families of rejected applicants are at a distinct disadvantage when appealing a district's decision. Telling rejected applicants in writing why they were denied can help level the playing field. At the same time, states should ensure rejected applicants can appeal districts' decisions before a non-school district entity.

3.2

RANKING METHODOLOGY

For the first time, rankings will assign letter grades to each state's policy, identifying weaknesses and strengths in their laws. This system ranks states' open enrollment policies on a scale of 0-100, assigning grades "A," "B," "C," "D," and "F" to states based on their rankings. "A" would correspond to a score of 90+, "B" to 80+, "C" to 70+, and "D" to 60+. All lower scores are ranked as "F." States receive full credit when they meet a metric, and partial credit when a metric is only partially fulfilled.

TABLE 3: RANKING SUMMARY

Metric	Partial Value	Full Value
#1 Statewide cross-district open enrollment		60
Voluntary cross-district open enrollment	30/60	
#2 Statewide within-district open enrollment		15
Voluntary within-district open enrollment	5/15	
#3 School districts free to all students		10
#4 School districts open to all students		5
Prohibit discrimination based on ability	2/5	
Prohibit discrimination based on disability	3/5	

²⁹ Kentucky Department of Education, "Non-Resident Student Policy," October 3, 2023, www.education.ky.gov/districts/enrol/Pages/Nonresident-Student-Policy.aspx (accessed 1 July 2024).

³⁰ Faulkner, "No More Lines: Opening Public Schools to All Families by 2030."

Metric	Partial Value	Full Value
#5 Transparent SEA reports		4
The state publishes annual reports	1/4	
Includes the number of transfer students	1/4	
Includes the number of rejected applicants	1/4	
Includes the reasons why applicants were rejected	1/4	
#6 Transparent district reporting		4
Districts must post their available capacity by grade level	2/4	
Districts must post their open enrollment policies and procedures	2/4	
#7 Transfer applicants can appeal rejected applications		
Districts must provide reasons for rejections in writing	1/2	
Rejected applicants can appeal to a non-district entity	1/2	
Total Possible Points		100

#1 Statewide cross-district open enrollment = 60 points. This typically expands public school choice the most for students. Since it offers the most educational options, its weight is significantly greater than others, giving states a major boost in achieving a higher rank. States with voluntary or limited cross-district open enrollment receive partial credit, valued at 30 points.

#2 Statewide within-district open enrollment = 15 points. This is the second most valuable metric since it expands schooling options for students living inside a district's geographic boundaries. This reform is worth fewer points since it's easier to achieve because students, and their education dollars, remain inside the assigned district. States with voluntary or limited within-district open enrollment receive partial credit, valued at 5 points.

#3 School districts free to all students = 10 points. Tuition can be a major barrier to transfer students, especially when it costs thousands of dollars. Removing this barrier is an important victory for students whose families cannot afford to pay public school tuition. There is no partial credit for this metric.

#4 School districts open to all students = 5 points. State law should make clear to school districts that access to public schools shouldn't depend on an applicant's ability or disability. Open enrollment laws that clearly state that school districts cannot discriminate against transfer applicants based on their disability receive 3 points, while districts that stop school districts from discriminating against applicants based on their ability, i.e., academic achievement, GPA, past or future academic record, receive 2 points. The former is of higher value since students with disabilities have not always had equal access to education.

#5 Transparent SEA reports = 4 points. These reports ensure policymakers, families, and taxpayers can hold school districts accountable for their open enrollment practices. Moreover, this metric often only requires tweaks to existing reports, making it an easier reform. Each component is valued at one point. To receive credit, states must codify that the SEA must publish district-level open enrollment data in an annual report = 1 point; which includes the number of transfer students = 1 point; includes the number of rejected applicants = 1 point; and includes the reasons why applicants were rejected = 1 point.

#6 Transparent district reporting = 4 points. States that require districts to post their policies and procedures on their websites receive 2 points; requiring districts to post their available capacity by grade level earns a state an additional 2 points. If a state requires a district to post its available capacity, but not by grade level, it can receive 1 point.

#7 Transfer applicants can appeal rejected applications = 2 points. States that require school districts to provide rejected applicants with the reasons they were denied in writing receive 1 point, while those that offer an external appeals process to rejected applicants can receive an additional point.

3.3

RANKING STATES' OPEN ENROLLMENT POLICIES

The most common weaknesses in states' open enrollment laws are poor appeals processes or insufficiently transparent SEA reports. No state fully meets all seven metrics, however, Oklahoma fully meets six out of seven metrics. Only Idaho fully meets just five out of seven metrics and only Arizona, Florida, Utah, and West Virginia fully meet just four out of seven metrics. Using Reason Foundation's best practices checklist as a measure: 16 states have statewide cross-district open enrollment, 14 states have statewide within-district open enrollment, 27 states make public schools free to all students, 10 states make public schools open to all students, three states' SEAs publish annual open enrollment reports, only eight states have transparent district reporting, and three states have a strong appeals process.³¹

³¹ The "State-by-State Open Enrollment Analysis" in 2023 errantly did not give California, New Mexico, and Washington checkmarks for prohibiting school districts from charging public school tuition. In this report, these states will receive full credit for stopping school districts from charging tuition to transfer students. Also, New Hampshire and Mississippi received checkmarks for prohibiting public school tuition; however, their laws do not prohibit the states' school districts from charging tuition to cross-district transfers. These corrections are reflected in each state's ranking.

Based on these metrics, five states—Arizona, Idaho, Oklahoma, Utah, and West Virginia—ranked as “A”, seven states are ranked as “B”, three states are ranked as “C”, two states are ranked as “D”, and 33 states scored an “F.”

TABLE 4: STATE-BY-STATE OPEN ENROLLMENT ANALYSIS AS OF 2024

Metrics	#1 Statewide Cross-district	#2 Statewide Within-district	#3 Public Schools Free to All Students	#4 Public Schools Open to All Students	#5 Transparent SEA Reporting	#6 Transparent District Reporting	#7 External Appeals Process	Total Score	Grade	Rank
Metric Value	60	15	10	5	4	4	2	100		
Alabama	0	5	0	0	0	0	0	5	F	27
Alaska	0	0	0	0	0	0	0	0	F	28
Arizona	60	15	10	3	2	4	1	95	A	3
Arkansas	60	5	10	3	0	0	1	79	C+	10
California	30	15	10	5	0	0	2	62	D-	14
Colorado	60	15	10	0	0	2	0	87	B+	7
Connecticut	30	5	10	0	0	0	0	45	F	22
Delaware	60	15	10	0	0	2	0	87	B+	7
Florida	60	15	10	0	0	4	0	89	B+	5
Georgia	30	15	10	0	0	0	0	55	F	16
Hawaii	NA	5	10	0	0	0	0	38	F	23
Idaho	60	15	10	5	3	4	1	98	A+	2
Illinois	30	5	0	0	0	0	0	35	F	25
Indiana	30	5	10	5	2	0	1	53	F	17
Iowa	60	5	0	0	1	0	0	66	D	13
Kansas	60	5	10	5	4	4	0	88	B+	6
Kentucky	30	5	0	0	0	0	0	35	F	25
Louisiana	30	5	10	0	0	2	1	48	F	21
Maine	0	0	0	0	0	0	0	0	F	28
Maryland	0	0	0	0	0	0	0	0	F	28
Massachusetts	30	5	10	5	0	0	0	50	F	19
Michigan	30	5	0	0	0	0	0	35	F	25
Minnesota	30	5	10	5	1	0	0	51	F	18
Mississippi	30	0	0	0	0	0	0	30	F	26
Missouri	30	5	0	0	0	0	0	35	F	25
Montana	60	5	10	0	1	0	0	76	C	12
Nebraska	60	5	10	0	3	4	2	84	B	8
Nevada	30	5	0	0	0	0	0	35	F	25
New Hampshire	30	5	0	0	0	0	0	35	F	25
New Jersey	30	0	0	5	0	0	1	36	F	24

Metrics	#1 Statewide Cross- district	#2 Statewide Within- district	#3 Public Schools Free to All Students	#4 Public Schools Open to All Students	#5 Transparent SEA Reporting	#6 Transparent District Reporting	#7 External Appeals Process	Total Score	Grade	Rank
New Mexico	30	5	10	0	0	0	0	45	F	22
New York	30	0	0	0	0	0	0	30	F	26
North Carolina	0	0	0	0	0	0	0	0	F	28
North Dakota	60	5	10	2	0	0	0	77	C+	11
Ohio	30	15	0	5	0	0	0	50	F	19
Oklahoma	60	15	10	5	4	4	1	99	A+	1
Oregon	30	0	0	5	0	0	0	35	F	25
Pennsylvania	30	5	10	0	0	0	0	45	F	22
Rhode Island	30	5	10	0	0	0	0	45	F	22
South Carolina	30	5	0	0	0	0	1	36	F	24
South Dakota	60	15	0	3	1	0	1	80	B-	9
Tennessee	30	15	0	0	0	4	0	49	F	20
Texas	30	5	0	0	1	0	0	36	F	24
Utah	60	15	10	2	0	4	0	91	A-	4
Vermont	30	5	10	3	0	0	0	48	F	21
Virginia	0	5	0	0	0	0	0	5	F	27
Washington	30	15	10	0	0	0	1	56	F	15
West Virginia	60	15	10	3	3	2	2	95	A	3
Wisconsin	60	5	10	0	4	0	1	80	B-	9
Wyoming	30	5	0	0	0	0	0	35	F	25
Strong policies on the books	16/49	14/50	27/50	10/50	3/50	8/50	3/50			
	33%	28%	54%	20%	6%	16%	6%			

Note: See the Hawaii Summary for an explanation of its score.

Source: Various and including state codes and Available to All's 20204 report "The Broken Promise of Brown v Board of Ed: A 50 State Report on Legal Discrimination in Public School Admissions."

PART 4

OPEN ENROLLMENT VICTORIES AND UPDATED STATE SUMMARIES

4.1

OPEN ENROLLMENT PROPOSALS

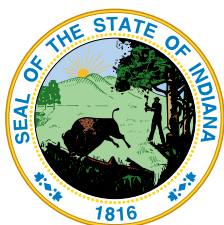
In 2024, policymakers in at least 27 states introduced 85 open enrollment related proposals. Eight proposals aimed to establish statewide cross-district open enrollment and five proposals aimed to establish statewide within-district open enrollment. Eight proposals aimed to eliminate tuition or fees to transfer students; three would have required public schools to be open to all students. Four proposals aimed to improve open enrollment transparency at the SEA level and 10 at the district level. Lastly, 11 sought to introduce an open enrollment appeals process. Notably, 15 proposals passed at least one legislative chamber, and eight were signed into law. Three proposals signed into law significantly improved open enrollment laws in three states. A full list of open enrollment related proposals is available in Appendix A.

“
In 2024, policymakers in at least 27 states introduced 86 open enrollment related proposals.
”

4.2

2024 OPEN ENROLLMENT VICTORIES: INDIANA, NEBRASKA, AND OKLAHOMA

INDIANA MAKES PUBLIC SCHOOLS FREE TO ALL STUDENTS.



Gov. Eric Holcomb signed State Reps Robert Behning, Michelle Davis, and Julie McGuire’s House Bill 1380 into law, stopping school districts from charging tuition to transfer students.³² This reform boosted the state’s score by 10 points. Last year, Indiana met none of Reason’s metrics for a good open enrollment policy. However, Indiana now meets two metrics fully since public schools are free and open to all students. As of 2024 more than 87,000 students used cross-district open enrollment, increasing by 64% since 2018.³³

The Hoosier State only provides voluntary cross- and within-district open enrollment programs. The SEA publishes an annual open enrollment report showing the number of transfer students by district. Indiana lets rejected applicants appeal their denials to the State Board of Education.

Indiana does not require the SEA to publish the number of rejected applicants and why they were denied in its annual report. Nor are school districts required to publish their available capacity by grade level or their open enrollment policies and procedures on their websites. School districts are not required to explain to parents why transfer applicants were rejected in writing.

Despite its step in the right direction, Indiana only scores 53 points, grading F. Overall, the state ranks 17th. If Indiana made cross-district open enrollment available statewide, it would receive a B instead.

³² Indiana General Assembly, 2024 Session, House Bill 1380, www.iga.in.gov/legislative/2024/bills/house/1380/details (accessed 1 July 2024); Jude Schwalbach, “Public Schools Charge Tuition, Just Like Private Schools,” *Reason Magazine*, March 22, 2024, www.reason.com/2024/03/22/public-schools-charge-tuition-just-like-private-schools/ (accessed 1 July 2024).

³³ Cassel, “Nearly 1 in 5 Indiana students don’t attend their home school district. Here’s the impact of school choice.”

Indiana policymakers can improve their open enrollment policy in three main ways:

- Require school districts to participate in cross- and within-district open enrollment.
- Require school districts to publish on their websites open enrollment policies and procedures, and their available capacity by grade level.
- Require the SEA to publish the number of rejected applicants and why they were denied in its annual report.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	2
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points	53
Final Grade	F

NEBRASKA SCORES A B FOR OPEN ENROLLMENT.



During the 2024 legislative session, Gov. Jim Pillen signed Legislative Bill 1329, introduced by Sen. Dave Murman, into law, which lets students transfer up to three times between kindergarten and 12th grade. The new law also established a non-district appeals process and requires school districts to inform rejected applicants why they were denied in writing.³⁴ These reforms increased the state's score by two points.

Nebraska hosts a statewide cross-district open enrollment program that only rejects transfer students for limited reasons. School districts must post their available capacity by grade level and all open enrollment policies and procedures on their websites. Moreover, the SEA collects important information about transfer students (called option students locally), such as the number of rejected applications, the reasons why applications were rejected, and if the applicant has an IEP or disability. The SEA submits a report that includes these data to the state legislature annually. The report's publication is at the discretion of the state legislature.³⁵ Districts cannot charge transfer students tuition.³⁶

The state code requires districts to prioritize the siblings of transfer students, students previously enrolled through open enrollment, and those residing in a learning community that contributes to the school's socioeconomic diversity at the school building in which they enroll. Students fall into this final category under two circumstances: they are FRPL eligible but would transfer to a school where a large percentage of students are not FRPL eligible, or they are not FRPL eligible and would transfer to a school where a large percentage of students are FRPL eligible.³⁷

The Cornhusker State does not have a within-district open enrollment option.

Unfortunately, the SEA is not required to publicly publish its annual report or include the total number of transfer students. Nebraska law doesn't stop school districts from rejecting transfer applicants based on their ability or disability. Nor are school districts required to

³⁴ Nebraska Legislature, LB1329, www.nebraskalegislature.gov/bills/view_bill.php?DocumentID=55393 (accessed 1 July 2024).

³⁵ Nebraska Department of Education, "Enrollment Option Program: **New Reporting Requirements for Districts**," August 18, 2023, www.education.ne.gov/fos/enrollment-option-application-instructions-faqs/ (accessed 1 July 2024).

³⁶ Nebraska Legislature, Nebraska Revised Statutes, Chapter 79, §237-238, 243, 2110.01, www.nebraskalegislature.gov/laws/browse-chapters.php?chapter=79 (accessed 1 July 2024).

³⁷ Nebraska Revised Statute 79-2110, www.nebraskalegislature.gov/laws/statutes.php?statute=79-2110 (accessed 1 July 2024).

inform rejected applicants of the reasons for their denial in writing. Moreover, rejected applicants cannot appeal to a non-district entity.

Nebraska scored 82 points—a grade of B—ranking 8th overall. If the Cornhusker State adopted statewide within-district open enrollment, it could receive an A-, improving its score by 10 points.

Nebraska policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require the SEA to publish its open enrollment data, including the number of transfer students, the number of rejected applicants, and the reasons for their rejections.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	3
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	2
Total Points (100)	84
Final Grade	B

OKLAHOMA HAS THE BEST OPEN ENROLLMENT LAW NATIONWIDE.



Gov. Kevin Stitt signed House Bill 3386, introduced by Reps McCall, Caldwell, and Treat, into law. Starting July 1, 2024, the new law requires all school districts to participate in within-district open enrollment so long as capacity is available. This reform increased the state's score by 10 points. School districts must publish their available capacity by grade level for each school district site. School districts must report the number of within-district transfers by grade level and school site to the SEA.

The new law also requires school districts to report annually to the SEA the number of approved and rejected applicants who are also students with disabilities and why their applications were denied, such as the availability of programs, staff, or services. These data must be published on the SEA website. Additionally, the Office of Educational Quality and Accountability will perform a random audit of 10% of school districts' approvals and denials of transfer applicants who are also students with disabilities. If the audit reveals inaccuracies, then the school district must comply with the office's recommendations.³⁸

All school districts must participate in statewide cross-district open enrollment. Students can transfer between districts at any time unless the number of transfer applicants exceeds the capacity in the districts' respective grade levels in each school.³⁹ If the number of transfer applications exceeds the available spots, then applications are accepted on a first-come-first-served basis. If a student's grade level is not offered in their school district, then their transfer application is automatically approved.⁴⁰ Districts can prioritize applications from school employees and the siblings of current students. School districts cannot deny applicants based on their ability or disability. However, transfer students are required to reapply to the receiving school district each year.

School districts are not required to inform rejected applicants in writing why their applications were denied. Rejected applicants can appeal their denials to the receiving school Board of Education. If the appeal is denied, the rejected applicant can appeal to the

³⁸ Oklahoma State Legislature, HB 3386, www.oklegislature.gov/BillInfo.aspx?Bill=HB3386&Session=2400 (accessed 1 July 2024).

³⁹ 2023 Oklahoma Statutes, Title 70. Schools, Article VIII - Transfer of Pupils, Section 8-101.2, www.law.justia.com/codes/oklahoma/title-70/section-70-8-101-2/ (accessed 1 July 2024).

⁴⁰ Ibid.

State Board of Education. School districts cannot charge transfer students tuition.⁴¹ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to one year and fined up to \$500.⁴²

School districts must reevaluate the available number of seats every quarter (January 1, April 1, July 1, and October 1) in each grade level. The school district website must reflect the updated number of open spots after each quarter.⁴³

The Sooner State requires that districts comply with robust accountability requirements. Specifically, school districts must report to the SEA the number of transfer students by grade level they can accept, the number of transfer applications rejected, and the reasons for each rejection. The SEA must also publish open enrollment data online and provide it to the Office of Educational Quality and Accountability (OEQA). The OEQA conducts quarterly randomized audits of 10% of Oklahoma’s school districts, reviewing school districts’ records for accepting or rejecting transfer students. This audit can be performed simultaneously with audits of schools’ approvals and denials for students with disabilities. If a school district fails its audit, then the Office of Educational Quality and Accountability will set a new capacity limit for the district.⁴⁴ Oklahoma’s SEA report, however, has a notable shortcoming. Although the Oklahoma State Department of Education publishes an annual report about open enrollment, it only provides data about transfer students from the most recent academic quarter. Without long-term data, policymakers cannot make informed decisions to refine the open enrollment law.⁴⁵

Oklahoma scored 99 points—an A+ grade—ranking #1 overall. Oklahoma’s new law launched the state from third place nationwide to first place, surpassing previous leaders such as Idaho and West Virginia.

Oklahoma policymakers can improve their open enrollment law in three main ways:

⁴¹ 2023 Oklahoma Statutes, Title 70. Schools, Article VIII - Transfer of Pupils, Section 8-112 - Student Transfer Fees, www.law.justia.com/codes/oklahoma/title-70/section-70-8-112/ (accessed 1 July 2024).

⁴² DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

⁴³ Oklahoma Statutes Title 70, Article VIII - Transfer of Pupils Section 8-101.2.

⁴⁴ Ibid.

⁴⁵ Jude Schwalbach and Ahmed Almoaswes, “Oklahoma now has the best open enrollment policy in the country,” Reason Foundation, Commentary, July 30, 2024, www.reason.org/commentary/oklahoma-now-has-the-best-open-enrollment-policy-in-the-country/ (accessed 31 July 2024).

- Hold school districts that fail to publicly report their available capacity accountable and require the SEA to post all open enrollment reports.⁴⁶
- Require school districts to inform rejected applicants in writing why their applications were denied.
- Stop requiring transfer students to reapply to the program each year.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	4
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	99
Final Grade	A+

⁴⁶ The Oklahoma Council for Public Affairs' Ray Carter reported that many school districts currently flout the state's capacity reporting requirements. Looking at 21 school districts in four counties, Carter found that "16 [school districts] do not appear to be publicly reporting open-transfer capacity;" Ray Carter, "Oklahoma Open-Transfer Law Benefitting Few Students," Oklahoma Council for Public Affairs, February 18, 2022, www.ocpathink.org/post/independent-journalism/oklahoma-open-transfer-law-benefitting-few-students (accessed 1 July 2024).

PART 5

UPDATED ENROLLMENT LAWS AND PROPOSALS IN THE REMAINING 47 STATES

5.1

ALL OTHER STATE UPDATES AND RANKINGS

This section discusses states' rankings and any minor updates to states' open enrollment laws that don't affect their rankings, such as changes to student prioritization. It also highlights major open enrollment proposals in each state, namely those that passed at least one legislative chamber, and summarizes their existing policies.

ALABAMA TIED FOR SECOND TO LAST IN OPEN ENROLLMENT.



In 2023, Alabama policymakers established a voluntary within-district open enrollment policy for public school students who received a “D” or “F” on their most recent report card. Eligible students can transfer to another school inside their school district that is ranked as “C” or higher so long as space is available. Students assigned to failing schools can only transfer to eligible schools outside their district if none of the schools in their district have space for them and only if the other district is willing to

accept them.⁴⁷ Alabama gains five points in partial credit for this limited within-district open enrollment option.

The Cotton State has no other open enrollment options and gains no additional points from any of Reason’s metrics.⁴⁸ **Alabama scored only 5 points out of 100 on Reason’s scoresheet and a letter grade of F, tying for 27th place overall with Virginia.**

Alabama policymakers can improve its open enrollment offerings in three main ways:

- Require all districts to participate in statewide cross- and within-district open enrollment.
- Make public schools free to all students.
- Require school districts to publish their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	0
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	5
Final Grade	F

⁴⁷ Alabama Legislative Services Agency, Administrative Code, Rule 290-4-1-.04 - Flexibility for Students In Priority Schools,” www.admincode.legislature.state.al.us/administrative-code/290-4-1-.04 (accessed 1 July 2024).

⁴⁸ Congressional Research Service, “Overview of Public and Private School Choice Options,” January 13, 2022, www.everycrsreport.com/files/2022-01-13_IF10713_ddb5cdafe7ec2f2fa15f99656f57f0e6f822a857.pdf (accessed 1 July 2024).

ALASKA TIES FOR DEAD LAST IN OPEN ENROLLMENT.



Alaska does not have statewide or voluntary cross-district or within-district open enrollment policies.⁴⁹ Alaska's current policy permits school districts to charge tuition to the families of transfer students when the student's grade level is offered in their assigned district, and the assigned district does not accept the billing.⁵⁰ Also, the Last Frontier State does not require districts to publicly report their capacity or the number of transfers and why transfer applications were rejected to the SEA. Moreover, Alaska does not require school districts to be open to all students. Rejected transfer applicants have no appeal options.

As a result, Alaska scores zero, receives a letter grade of F, and is tied with three other states for dead last.

Alaska policymakers can improve their open enrollment options in three main ways:

- Require school districts to have statewide cross- and within-district enrollment.
- Make public schools free to all students.
- Require districts to publicly report their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	0
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	0
Final Grade	F

⁴⁹ Alaska Administrative Code, 4 AK Admin Code 4 AAC 06.210, www.regulations.justia.com/states/alaska/title-4/chapter-06/article-2/section-4-aac-06-210/ (accessed 1 July 2024).

⁵⁰ Alaska Administrative Code, 4 AK Admin Code 4 AAC 09.030, www.regulations.justia.com/states/alaska/title-4/chapter-09/article-1/section-4-aac-09-030/ (accessed 1 July 2024).

ARIZONA'S LAW IS THE THIRD BEST NATIONWIDE.



Arizona requires all districts to participate in statewide cross-district and within-district open enrollment.⁵¹ All policies must be easily accessible from the homepage of school district websites in English, Spanish, and any other language used by the majority of the population served by the school district. Schools must accept students throughout the year so long as there are open seats. When a school is at total capacity, any remaining students will be put on a waitlist and admitted through a lottery. Schools must give priority to returning students and the siblings of current students. If they choose, schools may also prioritize students who are in foster care, considered unaccompanied youth, or attend a closing school. School districts also cannot charge tuition to transfer students. As of the 2021-22 school year, nearly 115,000 Arizona students used open enrollment, approximately 87% of them being cross-district transfers.⁵²

The Grand Canyon State also requires districts and schools to update their available capacity every 12 weeks by grade level on their website. The Arizona Department of Education must also provide an annual report to policymakers and the public that shows “the open enrollment participation rate by school district, school, and county, including the number of pupils, by student subgroup designation, in each school and school district that are open enrolled as resident pupils, resident transfer pupils, or nonresident pupils for each school district and the school districts and zip codes from which students are enrolling.” However, districts do not have to report why transfer student applications were rejected. Arizona also provides free transportation to transfer students, capping it at 30 miles one way.

However, the Grand Canyon State’s law does not clarify that school districts cannot reject applicants based on their academic abilities. While rejected applicants can submit complaints to the State Board of Education regarding a school district’s decision, school districts are not required to provide the reasons for rejection to parents in writing.⁵³

⁵¹ Arizona State Legislature, Article 1.1, Open School Enrollment, 15-816, www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00816.htm (accessed 1 July 2024).

⁵² Jude Schwalbach, “New data shows Arizona’s public schools, including rural ones, can compete in an education marketplace,” Reason Foundation, Commentary, October 3, 2023, www.reason.org/commentary/new-data-shows-arizonas-public-schools-including-rural-ones-can-compete-in-an-education-marketplace/ (accessed 1 July 2024).

⁵³ Ibid.

During the 2024 legislative session, Arizona tweaked its open enrollment law to prioritize transfer applicants whose parents are active duty military or died in the line of duty in student selection.⁵⁴

Arizona scored 95 points, received an A, and ties for third place with West Virginia. Only two other states—Idaho and Oklahoma—scored better.

Arizona policymakers can improve their open enrollment law in three main ways:

- Require the SEA to publish the number of rejected applicants and explain why they were denied in its annual report.
- Clarify that school districts cannot reject transfer applicants based on their abilities.
- Require school districts to inform parents of rejected transfer applicants in writing the reasons for rejection.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	3
#5 Transparent SEA reports (4)	2
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	95
Final Grade	A

⁵⁴ Arizona State Legislature, HB2311, www.apps.azleg.gov/BillStatus/BillOverview/80156?SessionId=128 (accessed 1 July 2024).

ARKANSAS' OPEN ENROLLMENT POLICY FALLS JUST SHORT OF A B.



Arkansas hosts a statewide cross-district open enrollment policy where public schools are free to all transfer students. Moreover, the law clearly states that school districts cannot discriminate against transfer applicants with disabilities.⁵⁵ Rejected transfer applicants can appeal decisions to the State Board of Education.⁵⁶ Parents, however, who falsify their address for unsanctioned student transfers can be fined up to \$1,000.⁵⁷

The Natural State, however, does not require school districts to participate in within-district open enrollment unless students are assigned to schools with the letter grade of “F.”⁵⁸

Arkansas' transparency provisions also fall short of best open enrollment practices. While the SEA publishes an annual report showing the number of within-district transfer students, it does not show the number of rejected applicants or why they were denied. The SEA does not publish any data on cross-district transfer students. School districts are not required to show the number of available seats by grade level or post their policies and procedures on their websites.

The law also does not clearly stop school districts from excluding transfer applicants based on their abilities. Lastly, school districts are not required to inform parents of rejected applicants of the reasons for the rejection.

⁵⁵ Arkansas Code Title 6, § 6-18-1903, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903.html (accessed 1 July 2024).

⁵⁶ Arkansas Code Title 6, § 6-18-1907, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1907.html (accessed 1 July 2024).

⁵⁷ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

⁵⁸ Arkansas Code Title 6. Education § 6-18-227, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-227.html (accessed 1 July 2024).

Arkansas scored 79 points—a C+ grade—ranking 10th overall. If Arkansas adopted statewide within-district open enrollment, it could increase its score by 10 points, improving its grade to a B+.

Arkansas policymakers can improve their open enrollment law in three main ways:

- Require all school districts to participate in within-district open enrollment.
- The Arkansas Department of Education should publish an annual report showing the number of transfer students accepted or rejected and why transfer applications were denied.
- Districts should post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	3
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	79
Final Grade	C+

CALIFORNIA NEEDS TO INTEGRATE AND STRENGTHEN ITS OPEN ENROLLMENT POLICIES.



California operates three cross-district and one within-district open enrollment programs. Its statewide within-district option permits students to transfer to their school of choice inside their assigned district. If the number of applicants exceeds available capacity, then the school must determine admission through a randomized lottery.⁵⁹ Districts are not required to post their policies and procedures online.

The cross-district permit system is the Golden State's largest voluntary cross-district open enrollment option, with 146,109 students participating during the 2018-2019 school year.⁶⁰ Cross-district transfers can occur when two districts establish a transfer agreement. Under these circumstances, both school districts must sign a permit to initiate student transfers. Participating districts must post their policies and procedures on their website in all pertinent languages and are encouraged to report their transfer data to the SEA.⁶¹ School districts are not permitted to exclude students based on their ability or disability.⁶² Moreover, school districts must inform rejected applicants in writing why they were denied. At the same time, school districts must also inform rejected applicants that they can appeal districts' decisions to the County Board of Education within 30 days of the date of final denial.⁶³

The District of Choice program is the second largest voluntary cross-district open enrollment program, with 7,951 students participating in the 2022-2023 school year.⁶⁴ In the case of oversubscription, admission is determined by a randomized lottery. However, siblings of current students, pupils eligible for free or reduced-price meals, and children of active-duty military personnel are given priority. Participating districts must post their

⁵⁹ California Legislative Information, Code, Education Code, Title 2, Division 3, Part 21, Chapter 2, Article 4. 35160.5, www.leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=35160.5&lawCode=EDC (accessed 1 July 2024).

⁶⁰ Gabriel Petek, "Follow-Up Evaluation of the District of Choice Program," Legislative Analyst's Office California Legislature, Legislative Analyst's Office, February 1, 2021, www.lao.ca.gov/Publications/Report/4329 (accessed 1 July 2024).

⁶¹ California Legislative Information, Code, Title 2, Division 4, Part 26, Chapter 5, Section 46600, www.leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.&chapter=5.&article= (accessed 1 July 2024).

⁶² Ibid.

⁶³ Ibid.

⁶⁴ California Department of Education, District of Choice Data Files, 2022-23, April 9, 2024, www.cde.ca.gov/sp/eo/dc/docdatafiles1819.asp (accessed 26 August 2024).

policies and procedures online in all relevant languages. They must report open enrollment data, including the number of transfer students and why transfer applications were rejected. All data must be publicly published annually by the SEA.⁶⁵ The program is scheduled to sunset July 1, 2028.⁶⁶

California students can transfer to another district if one of their parents works inside that district's boundaries for at least 10 hours during the school week. This being said, schools are not required to admit these students as long as they are not rejected based on their race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.⁶⁷ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to four years.⁶⁸

California scored a total of 62 points—a grade of D-, ranking 14th overall.

California policymakers can improve open enrollment in three main ways:

- Consolidate the various cross-district open enrollment options into the District of Choice program, make it statewide, and eliminate all sunset provisions.⁶⁹
- Require all school districts to post their available capacities by grade level and all policies and procedures on their websites.
- Ensure that Basic Aid districts are financially incentivized to enroll transfer students.

⁶⁵ California Legislative Information, Code, Title 2, Division 4, Part 27, Chapter 2, Article 7, Section 48300, www.leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48300.&lawCode=EDC (accessed 1 July 2024).

⁶⁶ Press Release, "District of Choice Program Extended Five Years," September 28, 2022, www.sd29.senate.ca.gov/news/press-release/district-choice-program-extended-five-years (accessed 1 July 2024).

⁶⁷ California Legislative Information, Code, Title 2, Division 4, Part 27, Chapter 2, Article 1, Section 48204, www.leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48204.&lawCode=EDC (accessed 1 July 2024).

⁶⁸ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁶⁹ Jude Schwalbach, "Open enrollment can help California's public schools attract students," Reason Foundation, Commentary, May 22, 2023, www.reason.org/commentary/open-enrollment-can-help-californias-public-schools-attract-students/ (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	2
Total Points (100)	62
Final Grade	D-

COLORADO'S OPEN ENROLLMENT POLICY ALMOST GOT AN A.



The state requires all school districts to participate in statewide cross-district and within-district open enrollment. Students can enroll in particular programs or schools outside their assigned school district or catchment zone. Districts and schools must make their open enrollment policies available on their website. Once enrolled, the student can remain in the school or program until the end of the school year (however, they must reapply each year).

Schools and districts cannot charge transfer students tuition or fees.⁷⁰ The latest data from the Colorado Department of Education showed that more than 199,000 students—more than 28% of the state’s public school population—used open enrollment during the 2023-24 school year; 29% of these were cross-district transfers.⁷¹

However, the Centennial State does not require the SEA to collect or publish data, such as the number of transfer students or why transfer applications were rejected. Nor are districts required to post their available capacity on the districts’ website. Colorado permits schools and districts significant discretion in student selection. This means that transfer applications can be rejected for reasons besides capacity, such as the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance. Colorado’s open enrollment laws do not clearly prohibit school districts from excluding applicants based on ability or disability. Moreover, school districts are not required to inform rejected applicants in writing of the reasons for their rejections. There is no neutral appeals process available to rejected applicants.⁷²

⁷⁰ Colorado Revised Statutes Title 22. Education § 22-33-103, www.codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-33-103.html (accessed 1 July 2024).

⁷¹ Schwalbach, “Last Year, 200K Colorado Kids Used Open Enrollment to Pick Their District School.”

⁷² Colorado Revised Statutes Title 22. Education § 22-36-101, www.codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-36-101.html (accessed 1 July 2024); Luke Ragland and Craig Hulse, “Open Doors, Open Districts,” Ready Colorado, Fall 2018, www.readycolo.org/wp-content/uploads/2018/10/ODODfinal.pdf (accessed 1 July 2024).

Colorado scored 87 points—a grade of B+—tying for 7th place with Delaware.

Last year, Colorado Gov. Jared Polis stated that the state's open enrollment policy needs improvement, especially with regard to transparency.⁷³ In 2024, State Rep. Lisa Frizell introduced House Bill 24-1361 championing these transparency provisions.⁷⁴ If this proposal had been signed into law, Colorado's grade would have improved to an A.

Colorado policymakers can improve its open enrollment options in three main ways:

- Make public schools open to all students regardless of their ability or disability.
- Require school districts to publish their available capacity by grade level annually.
- Require the SEA to collect and publish data showing the number of rejected transfer applications and why they were denied.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	87
Final Grade	B+

⁷³ Gov. Jared Polis, "Statewide Choice in Colorado," Education Reform Now, October 5, 2023, www.edreformnow.org/2023/10/05/statewide-school-choice-policies/ (accessed 1 July 2024).

⁷⁴ Colorado General Assembly, HB24-1361 School District Open Enrollment Transparency, www.leg.colorado.gov/bills/hb24-1361#bill-documents-tabs7 (accessed 1 July 2024).

CONNECTICUT'S POLICY NEEDS CLARITY.



Connecticut's open enrollment policy is opaque and convoluted. While the state requires certain districts, specifically those in Bridgeport, Hartford, New Haven, and some of their surrounding districts, to participate in cross-district open enrollment (Open Choice Program), the policy remains voluntary in all other districts.⁷⁵ Even inside the regions where cross-district choice is required, families cannot choose any available school. For instance, Hartford families participating in Open Choice can only apply to schools in nearby school districts. Although the applicant has access to a greater number of schools, placement offers are still determined by the applicant's home address.⁷⁶ However, the families of transfer students who utilize Open Choice cannot be charged the cost of tuition. Connecticut is one of the 27 states that do not permit districts to charge families tuition. The state also permits voluntary within-district open enrollment, allowing parents to select their desired schools.⁷⁷ If there are more applicants than available seats, the district must use a lottery that is designed to preserve or increase the racial, ethnic, and economic diversity of a school. However, priority can also go to siblings of current students and students who go to schools that lost their accreditation or were identified as "in need of improvement" according to the No Child Left Behind Act.⁷⁸ Connecticut's open enrollment laws do not stop school districts from excluding applicants based on ability or disability. School districts are not required to inform rejected applicants in writing of the reason for their rejection. Rejected applicants do not have a non-district entity to which they can appeal.

⁷⁵ General Statutes of Connecticut, Title 10, Chapter 172, Sec. 10-266aa, www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (accessed 1 July 2024).

⁷⁶ Connecticut State Department of Education, Family Guide to School Choice in the Greater Hartford Region Prekindergarten to Grade 12, School Year 2024-25, portal.ct.gov/-/media/sde/school-choice/rsco/rscofamilyguide.pdf (accessed 1 July 2024).

⁷⁷ General Statutes of Connecticut, Title 10, Chapter 170, Section 10-221e, www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221e (accessed 1 July 2024).

⁷⁸ Connecticut Department of Education, Open Choice Programs, www.portal.ct.gov/sde/school-choice/ct-school-choice/open-choice-programs (accessed 1 July 2024).

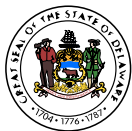
Connecticut scored 45 points—a grade of F—tying for 22nd place with three other states.

Connecticut policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Require districts to post their available capacity by grade level and all open enrollment policies and procedures online.
- Make public schools open to all students regardless of ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	45
Final Grade	F

DELAWARE'S OPEN ENROLLMENT POLICY FALLS JUST SHORT OF AN A.



In Delaware, school districts must participate in statewide cross-district and within-district open enrollment. Districts can prioritize applicants who are returning students, seek to attend based on the feeder pattern of their residence, or have siblings already enrolled in the school. After these students, districts are allowed to prioritize applicants who listed their school as a top choice, live within the district, or have a parent who works at the school. A randomized lottery fills any remaining open seats. Districts must post their open enrollment policies on their websites and annually publicly report their capacity, but not by grade level.⁷⁹ Per the state code, school districts' capacity is defined as "the maximum number of students that a program or school can contain as determined solely by considerations of physical space, physical resources, and class size for each grade level."⁸⁰

Districts can only reject students for limited reasons, such as lack of capacity. Districts are considered at full capacity when their projected enrollment for the following year reaches 85%. Transfer students cannot be charged tuition. However, parents who falsify their address for unsanctioned student transfers can be incarcerated for up to one year and fined up to \$2,300.⁸¹

The First State's open enrollment policy falls short of transparency, as the SEA is not required to collect or publish data about the number of transfer students or the reasons transfer applications were rejected.⁸² The state's open enrollment laws do not clearly prohibit school districts from rejecting transfer applicants based on their ability or disability. Moreover, school districts are not required to inform rejected applicants in writing of the reasons for their rejection. Rejected applicants do not have a non-district entity to which they can appeal the districts' decisions.

Delaware scored 87 points—a grade of B+—tying for 7th place with Colorado. The First State could easily improve its grade to an A by improving its transparency provisions.

⁷⁹ Delaware Department of Education, "School Choice," www.education.delaware.gov/families/k12/school-choice/ (accessed 1 July 2024).

⁸⁰ Delaware Code Online, Title 14, Chapter 4 School District Enrollment Choice Program, Section 405, www.delcode.delaware.gov/title14/c004/index.html (accessed 1 July 2024).

⁸¹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁸² Delaware Code Online, Title 14, Chapter 4 School District Enrollment Choice Program, Section 401-414, www.delcode.delaware.gov/title14/c004/index.html (accessed 1 July 2024).

Delaware policymakers can improve their open enrollment options in three main ways:

- Clarify that public schools are open to all students regardless of ability or disability.
- Require the SEA to collect and publish data on Delaware’s open enrollment options, including the number of transfer students and why transfer applications were rejected.
- Require districts to inform rejected applicants in writing why they were denied and establish a neutral appeals process.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	87
Final Grade	B+

FLORIDA'S OPEN ENROLLMENT POLICY RANKS FIFTH PLACE NATIONWIDE.



Florida requires all school districts to participate in statewide cross-district and within-district open enrollment (called Controlled Open Enrollment). On transfer applications, parents can indicate their desired school placements. Each school district is required to publicly report its available capacity and cannot charge transfer students tuition or fees.⁸³ However, parents who falsify their address for unsanctioned student transfers can be incarcerated for either 60 days or five years, depending on the charges.⁸⁴ Florida prioritizes applications from military-connected families who have been restationed, students relocated due to foster care, and those relocated due to a court-ordered separation or a parent's death or illness. In 2023, more than 272,800 students participated in the state's open enrollment options, only 2% of which were cross-district transfers.⁸⁵

Florida also prioritizes any student who is assigned to a school that has earned the grade F for open enrollment under the Opportunity Scholarship Program. Eligible students under this provision must be given the opportunity to enroll in another public school inside their assigned school district that received a grade not worse than C. Within-district transfers under this law can remain enrolled in their new school's feeder pattern until they graduate from high school. Also, parents of eligible students can transfer their child to a school in another district with available space. So long as space is available, the school must accept the transfer student.⁸⁶

⁸³ The 2023 Florida Statutes, Title XLVIII, Chapter 1002.31, www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (accessed 1 July 2024).

⁸⁴ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁸⁵ Jude Schwalbach, "Florida's open-enrollment program is a popular and overlooked school choice success," Reason Foundation, Commentary, January 22, 2024, www.reason.org/commentary/florida-open-enrollment-program-popular-school-choice/ (accessed 1 July 2024).

⁸⁶ The 2021 Florida Statutes, Title XLVIII, Chapter 1002.38, www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.38.html (accessed 1 July 2024).

However, the Sunshine State's SEA does not publish data on the number of transfer students yearly. Nor does the SEA collect and publish the reasons why transfer applications were rejected.⁸⁷ While rejected applicants can appeal districts' decisions, Florida law does not make clear that the appeals process is external to the deciding school districts, nor are school districts required to inform rejected applicants of the reasons for their rejection in writing.⁸⁸

Florida's open enrollment policy scored 89 points—a B+—ranking 5th place overall. The Sunshine State could easily gain an A by improving its transparency provisions or making public schools open to all students.

In 2024, Senate Bill 7004, introduced by the Fiscal Policy and Education Pre-K -12 Committees, Sens Osgood and Simon, was signed into law by Gov. Ron DeSantis. It now only requires school districts to update their available capacity twice a year instead of every 12 weeks.⁸⁹ Gov. DeSantis also signed into law House Bill 5101, which established a transportation stipend for K-8 students using open enrollment. The stipend's value is determined by the state's General Appropriations Act and is available on a first-come-first-served basis.⁹⁰ The stipend amount per household is \$750.⁹¹

Florida policymakers can improve their open enrollment laws in three main ways:

- Make public schools open to all students regardless of ability or disability.
- Require the SEA to publish data showing the number of transfer students, rejected applicants, and why they were denied.
- Require school districts to inform rejected applicants of the reason for their rejections in writing and establish a non-district appeals process.

⁸⁷ The 2021 Florida Statutes, Title XLVIII, Chapter 1002.31.

⁸⁸ Ibid.

⁸⁹ The Florida Senate, CS/SB 7004, www.flsenate.gov/Session/Bill/2024/7004/ (accessed 1 July 2024).

⁹⁰ Florida House of Representatives, HB 5101, www.flsenate.gov/Session/Bill/2024/5101 (accessed 1 July 2024).

⁹¹ Florida House of Representatives, HB 5001, www.flsenate.gov/Session/Bill/2024/5001 (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	89
Final Grade	B+

STRENGTHENING GEORGIA'S CROSS-DISTRICT OPEN ENROLLMENT LAW COULD IMPROVE ITS GRADE TO A B.



While students in Georgia can transfer between school districts, they can only do so with the consent of both their receiving and sending school districts.⁹² Based on data from 21 school districts, the Georgia Public Policy Foundation reported that more than 20,000 students used the state's voluntary cross-district open enrollment option during the 2023-24 school year.⁹³ All school districts must participate in statewide within-district open enrollment, but the policy is diminished by the fact that no newly opened schools can participate in statewide within-district open enrollment until four years after opening.⁹⁴ This is especially disappointing since Georgia's within-district policy has some strong components, such as requiring districts to publish which schools have available capacity and post within-district open enrollment policies in a prominent location on the district website. Districts cannot charge within-district transfers the cost of tuition.⁹⁵ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to five years and fined up to \$1,000.⁹⁶

Unfortunately, the Peach State does not require the SEA to collect and publish data about the number of transfer students and why transfer applications were rejected. Georgia law does not clearly stop school districts from excluding transfer applicants based on their abilities or disabilities. Nor does the state require school districts to provide rejected applicants with the reasons for their rejections in writing. Rejected applicants can only appeal districts' decisions to the local school board.

Georgia scored 55 points—a grade of F—ranking 16th overall.

During the 2024 legislative session, State Sens. Still, Dolezal, Robertson, Anavitarte, Dixon, Anderson, Hickman, and Gooch introduced Senate Bill 147, which aimed to establish a statewide cross-district open enrollment program. While the proposal passed the Senate, it

⁹² Georgia Code Title 20. Education § 20-2-293, www.codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-293.html (accessed 1 July 2024).

⁹³ Perdue, "Report on Georgia's Open Enrollment Transfer Environment."

⁹⁴ Georgia Code Title 20. Education § 20-2-2131, www.codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131.html (accessed 1 July 2024).

⁹⁵ Georgia Center for Opportunity, "Georgia School Choice Handbook: 2019 Parents Guide," 2019, www.foropportunity.org/wp-content/uploads/2019/02/18-293-GCO-School-Choice-Handbookv2_Web.pdf (accessed 1 July 2024).

⁹⁶ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

died in the House.⁹⁷ If the bill had been signed into law, Georgia's open enrollment grade would have been a B letter grade.

Georgia policymakers can improve their open enrollment options in three main ways:

- Require districts to participate in cross-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	55
Final Grade	F

⁹⁷ Georgia General Assembly, SB 147, www.legis.ga.gov/legislation/64252 (accessed 1 July 2024).

HAWAII IS A SINGLE-DISTRICT ANOMALY.



Hawaii’s public schools operate under a single school district. Accordingly, open enrollment policies pertinent to regions with multiple school districts, such as cross-district open enrollment, are not germane.

The Aloha State permits “geographic exceptions” that allow students to transfer to a public school other than the one to which they are assigned. However, transfer applicants must obtain a certificate of release from their assigned schools. Schools are only required to inform families about this limited within-district transfer option and its application process upon request.⁹⁸

Schools prioritize transfer applications to students who live in the school’s attendance zone (non-custody residence), have siblings enrolled in the school, apply to a program not offered at the sending school, or whose parents teach/work at the school. Any remaining seats are filled through a lottery.⁹⁹

The SEA does not collect information about the number of transfer students or why applications are rejected. The school district is not required to publicly show the number of open seats. Hawaii’s open enrollment laws do not clarify that schools cannot exclude students based on their abilities or disabilities. Current law does not ensure that rejected applicants learn the reasons for their rejection in writing, and they are not guaranteed an opportunity to appeal the decision to a non-district entity. However, schools cannot charge transfer students tuition.

Since Hawaii operates as a single district, the cross-district open enrollment metric was excluded from its score. The points earned by the state were divided by the total possible points (40) and then multiplied by 100 to ascertain its score.

⁹⁸ 2023 Hawaii Revised Statutes, Title 18 Education, 302a Education, 302a-1143 Attending School in What Service Area, www.law.justia.com/codes/hawaii/title-18/chapter-302a/section-302a-1143/ (accessed 1 July 2024); 2023 Hawaii Revised Statutes, Title 18, 302a Education, 302a-1145 Transfer to Another School, www.law.justia.com/codes/hawaii/title-18/chapter-302a/section-302a-1145/ (accessed 1 July 2024).

⁹⁹ Hawaii Administrative Rules, Title 8 Department of Education, Subtitle 2 Education, Part 1 Public Schools, Chapter 13 Geographical Exceptions, www.boe.hawaii.gov/policies/AdminRules/Pages/AdminRule13.aspx (accessed 1 July 2024).

Hawaii scored 38 points—a grade of F—ranking 23rd overall.

Hawaii policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in statewide within-district open enrollment.
- Make schools open to all students regardless of their ability or disability.
- Require the SEA to publish an annual report showing the number of transfer students, rejected applicants, and reasons for their rejections.

Best Practice	Score
#1 Statewide cross-district open enrollment	NA
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (40)	15
15 (points gained) ÷ 40 (total points) x (100) = 38 (final grade)	38
Final Grade	F

IDAHO'S OPEN ENROLLMENT LAWS SCORE AN A+, SECOND ONLY TO OKLAHOMA.



In 2023, Idaho established statewide cross- and within-district open enrollment.¹⁰⁰ The state fully meets five out of seven best practices. School districts must also post their available capacity by grade level and all pertinent policies and procedures on their websites. School districts must consider transfer applications throughout the school year, although applications received after February 1st will be based on the school district's capacity. School districts are prohibited from discriminating against students based on their ability or disability. School districts must inform rejected applicants why they were denied in writing.¹⁰¹

The Gem State's new law also requires the State Department of Education to publish a report showing the number of transfer students accepted or rejected, but does not include the reasons why applications were rejected. Rejected applicants do not have the option to appeal their denial to a non-district entity.

Idaho scored 98 points—a grade of A+—ranking 2nd nationwide.

Gov. Brad Little signed House Bill 763 into law introduced by the Appropriations Committee. The new law requires the state education agency to withhold November payments from school districts that fail to post their open enrollment policies and procedures and available capacity by grade level on their websites. Funds are withheld until the school district complies with these transparency provisions.¹⁰²

Idaho policymakers can improve their open enrollment policies in three main ways:

- Require the State Department of Education to include why applicants were rejected in its annual open enrollment report, redacting any personally identifying information.
- Establish a non-district appeals process for rejected applicants.

¹⁰⁰ Idaho Legislature, Idaho Statutes, Title 33, Chapter 14, § 33-1402, www.legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1402/ (accessed 1 July 2024).

¹⁰¹ Ibid.

¹⁰² Idaho Legislature, House Bill 763, www.legislature.idaho.gov/sessioninfo/2024/legislation/h0763/ (accessed 17 July 2024).

- Require school districts to create a waitlist each year and notify waitlisted students when seats become available.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	3
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	98
Final Grade	A+

ILLINOIS' OPEN ENROLLMENT POLICY GETS AN F.



Students can transfer schools under very limited circumstances in Illinois, such as specific agreements between districts.¹⁰³ School districts can charge cross-district transfers tuition.¹⁰⁴ Parents who knowingly enroll in a nonresident district and try to avoid paying tuition are guilty of a class C misdemeanor, which can result in up to 30 days of imprisonment and a fine of up to \$2,300.¹⁰⁵

Within-district transfers are voluntary, as districts have significant discretion regarding eligible transfers. For instance, districts can reject within-district transfer applications because the applicant doesn't meet the academic criteria required for enrollment at a particular school (as set by the LEA).¹⁰⁶

Unfortunately, the Prairie State's transfer policy is weak on transparency. The state doesn't require districts to post their available capacity on their websites, nor is the SEA required to collect and publish open enrollment data, such as the number of transfers and the reasons transfer applications are rejected.

Illinois does not ensure that all public schools are open to all students regardless of their ability or disability. Moreover, school districts are not required to inform rejected applicants in writing of the reasons for their rejections. Rejected applicants do not have access to non-district appeals options.

¹⁰³ Illinois Compiled Statutes, Schools 105 ILCS 5/10-22.5 Assignment of pupils to schools–Non-resident pupils–Tuition–Race discrimination, www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=%20010500050HArt%2E+10&ActID=1005&ChapterID=17&SeqStart=62800000&SeqEnd=88400000 (accessed 1 July 2024).

¹⁰⁴ Illinois Compiled Statutes, Schools 105 ILCS 5/10-20.12a Tuition for Non-Resident Pupils, www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000 (accessed 1 July 2024).

¹⁰⁵ Illinois Compiled Statutes, Schools 105 ILCS 5/10-20.12b Residency; payment of tuition; hearing; criminal penalty, (d-5)(f), www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+%2010&ActID=1005&ChapterID=17&SeqStart=62800000&SeqEnd=88400000 (accessed 1 July 2024); Illinois Compiled Statutes, 730 ILCS 5/5-4.5-65 Class C Misdemeanors; Sentence, <https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073000050K5-4.5-65> (accessed 1 July 2024); DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹⁰⁶ Illinois Compiled Statutes, Schools 105 ILCS 5/10-21.3a Transfer of Students, www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K10-21.3a (accessed 1 July 2024).

Illinois scored 35 points—a grade of F—tying for 25th place with seven other states overall.

Illinois policymakers can improve their open enrollment options in three main ways:

- Require school districts to participate in cross- and within-district open enrollment so long as space is available.
- Require districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

IOWA STILL HAS MUCH WORK TO DO.



All districts are required to participate in statewide cross-district open enrollment and accept transfer students unless they lack the capacity to accommodate them. During student selection, districts can prioritize transfer applicants who would facilitate a court-ordered desegregation plan and those who recently moved outside the district.

The Hawkeye State permits voluntary within-district open enrollment.¹⁰⁷ While the SEA collects data on the number of transfer students, it doesn't collect data on why transfer student applications were rejected. Moreover, districts are not required to post their available capacity by grade level on their websites. The law does not stop school districts from excluding students based on their abilities or disabilities, and school districts are not required to inform rejected applicants of the reasons for their denial in writing. While students who transfer under the state's open enrollment program are not charged tuition, students who fail to complete an open enrollment application or who transfer outside of the open enrollment program can be charged tuition.¹⁰⁸ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to five years and fined up to \$7,500.¹⁰⁹

Despite improving its open enrollment policy, Iowa scored 66 points, gaining a grade of D and ranking 13th overall. If Iowa adopted statewide within-district open enrollment, and made transfers open and free to all students, it could improve its score to an A-.

Gov. Kim Reynolds signed Senate File 2435, introduced by the Appropriations Committee, into law. This bill refined the open enrollment process, standardizing deadlines and procedures. It also established a very limited appeal process for rejected transfer applicants to appeal to the State Board of Education after the denial.¹¹⁰ Only rejected applicants who submit their applications after the March 1st deadline are eligible for this process.

¹⁰⁷ Iowa Code 2023, Title VII Education and Cultural Affairs, §279.11, www.legis.iowa.gov/law/iowaCode/sections?codeChapter=279&year=2024 (accessed 1 July 2024).

¹⁰⁸ Iowa Code 2023, Title VII Education and Cultural Affairs, §282.18 Open Enrollment, www.legis.iowa.gov/docs/code/282.18.pdf (accessed 1 July 2024); Iowa Administrative Code, Education 281, Chapter 17 Open Enrollment, www.legis.iowa.gov/docs/ACO/chapter/281.17.pdf (accessed 1 July 2024); Iowa Department of Education, "Open Enrollment Handbook: 2023-2024 School Year," December 2023, www.educate.iowa.gov/media/8960/download?inline= (accessed 1 July 2024).

¹⁰⁹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹¹⁰ The Iowa Legislature, SF 2435, www.legis.iowa.gov/legislation/BillBook?ba=SF2435&ga=90 (accessed 1 July 2024).

Otherwise, denials are final unless the reason for denial was the implementation of the district's desegregation order. Eligible appellants can make their case in court under these circumstances.

Iowa policymakers can improve their open enrollment options in three ways:

- Require districts to participate in statewide within-district open enrollment.
- Make public schools open to all students, regardless of their ability or disability.
- Make public schools free to all transfer students.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	66
Final Grade	D

KANSAS SCORED A B+ IN OPEN ENROLLMENT.



Kansas' statewide cross-district open enrollment policy became operational at the beginning of the 2024-25 school year. Under the law, school districts can only reject transfer applicants due to insufficient capacity and cannot charge transfer students tuition. School districts must report their capacity and publish the number of open seats by grade level for each school on the district website on or before June 1st annually. If the number of applications exceeds the available capacity, transfer students must be admitted through a confidential randomized lottery. Schools can prioritize the siblings of current transfer students for admission. However, school districts cannot discriminate against transfer applicants based on their ability or disability. Transfer students can remain in their non-residential school until graduation unless they are no longer in good standing.

Every year, the Kansas Department of Education must report the number of transfer applications accepted or rejected and if the reason for the rejection was due to capacity. These open enrollment data must be posted on the SEA website and made available to the legislative division of post audit. The SEA will audit school capacity and non-resident student enrollment as part of its annual enrollment audit. In addition to the annual enrollment audit, the legislative post will conduct an audit of open enrollment transfers by 2027. The findings of this audit must be reported by January 15, 2028 to the House Standing Committee on K-12 Education Budget and the Senate Standing Committee on Education.¹¹¹

The Sunflower State does not have a statewide within-district open enrollment option. School districts are required to inform rejected applicants of the reasons for their denials, but they are not required to do so in writing. Rejected applicants cannot appeal their denial to a non-district entity.

Kansas scored 88 points—a grade of B+—ranking 6th overall. If the Sunflower State adopted statewide within-district open enrollment, it could improve its grade to an A+, tying Idaho for second place.

During the 2024 legislative session, Gov. Laura Kelly signed Senate Bill 387, introduced by the Committee on K-12 Education Budget, which clarified that school districts must post

¹¹¹ Kansas 2021-2022 Legislative Sessions, S Sub for HB2567, www.kslegislature.org/li_2022/b2021_22/measures/hb2567/ (accessed 1 July 2024).

their open enrollment policies and procedures on their websites under an “open enrollment information” page.¹¹² Two other bills, House Bill 2718 and Senate Bill 475, aimed to undermine Kansas’ open enrollment policy by letting school districts opt out of open enrollment participation, but these bills died.¹¹³ If successful, these bills would have reduced Kansas’ open enrollment score by 30 points, dropping its grade to an F.

Kansas policymakers can improve their open enrollment options in three main ways:

- Require districts to participate in statewide within-district open enrollment.
- Establish a non-district appeals process for rejected applicants and require school districts to inform them in writing why their applications were denied.
- Expand the transfer application period to year-round (currently, transfer applications are only accepted between June 1st and 30th).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	4
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	88
Final Grade	B+

¹¹² Kansas 2023-2024 Legislative Sessions, Sub Bill for SB387, www.kslegislature.org/li/b2023_24/measures/sb387/ (accessed 1 July 2024).

¹¹³ Kansas 2023-2024 Legislative Sessions, HB 2718, www.kslegislature.org/li/b2023_24/measures/hb2718/ (accessed 1 July 2024); Kansas 2023-2024 Legislative Sessions, SB 475, www.kslegislature.org/li/b2023_24/measures/sb475/ (accessed 1 July 2024).

KENTUCKY'S OPEN ENROLLMENT LAWS DESERVE AN F.



As of July 2022, Kentucky requires all boards of education to establish a voluntary cross-district open enrollment policy. Since the law only requires school districts to make a policy establishing the terms under which districts will participate in open enrollment, school districts have significant leeway in student selection. School districts can adopt a policy not to accept any transfer students.¹¹⁴ The law does not clearly state that school districts cannot discriminate against transfer applicants based on their ability or disability. In some cases, school districts can reject applicants based on their GPA or overall letter grade.¹¹⁵ Boards of education must notify the SEA of their open enrollment policy within 30 days of their adoption and subsequent changes to it. Also, according to the policy, transfer students cannot participate in school sports for a calendar year.¹¹⁶

While the Kentucky Department of Education guidance indicates that school districts can charge transfer students a “reasonable tuition fee,” which must be paid by the sending district, pending their approval of the transfer, it’s not clear if school districts are fully prohibited from charging tuition to transfer students by law. If a sending district determines that student transfers to another district are convenient, it can enter into a tuition contract with the receiving district.¹¹⁷

The Bluegrass State does not require districts to post their available capacity, nor does the SEA collect and publicly report important open enrollment data, such as the number of transfer students and why transfer applications were rejected. School districts are not required to inform rejected applicants in writing, explaining why they were denied. Rejected applicants cannot appeal their denial to a non-district entity.

¹¹⁴ Kentucky Department of Education, “Non-Resident Student Policy,” October 3, 2023, www.education.ky.gov/districts/enrol/Pages/Nonresident-Student-Policy.aspx (accessed 1 July 2024).

¹¹⁵ Ibid.

¹¹⁶ Kentucky Revised Statutes 2023, Chapter 158, §158.120, www.apps.legislature.ky.gov/law/statutes/statute.aspx?id=51403 (accessed 1 July 2024).

¹¹⁷ Ibid.

Kentucky scored 35 points—a grade of F—tying for 25th place overall with seven other states. Only eight states scored worse than Kentucky.

Kentucky policymakers can improve their open enrollment options in three main ways:

- Require districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

LOUISIANA NEEDS TO STRENGTHEN ITS OPEN ENROLLMENT OPTIONS.



Louisiana permits voluntary cross-district and within-district open enrollment for eligible students assigned to public schools whose performance grades are “D” or “F” so long as they seek to transfer to a school rated as “A,” “B,” or “C” with available capacity. Districts must post their open enrollment policies and processes on their website. Moreover, the SEA collects and publishes open enrollment data annually, including the number of transfer requests received, accepted, appealed, and denied during the most recent school year. School districts cannot charge tuition to transfer students.¹¹⁸

In addition to the Public School Choice Option, the Pelican State permits open enrollment when a student’s residentially assigned school is “labeled an academically unacceptable school for four consecutive years.”¹¹⁹ Under these circumstances, schools are no longer under the jurisdiction of their parish, city, local school board, or other education entity. Instead, they are placed under the jurisdiction of a Recovery School District. This occurs “when a school performs poorly for four consecutive years, fails to comply with the state reconstitution plan, presents an unacceptable reconstitution plan, or fails to present a plan to reconstitute the failed school to the state board.”¹²⁰ Schools reassigned to a Recovery School District remain under its jurisdiction for at least five years. Students assigned to schools under the jurisdiction of a Recovery School District are not required to stay enrolled; instead, these students are immediately eligible for within-district open enrollment.

School districts are not stopped from discriminating against transfer applicants based on their ability or disability. The law does not require school districts to inform rejected applicants why they were denied in writing. However, rejected applicants can appeal their denials to the Louisiana State Board of Elementary and Secondary Education.¹²¹

¹¹⁸ Louisiana State Legislature, RS 17 §4035.1. Public school choice, www.legis.la.gov/legis/Law.aspx?%20p=y&d=920128 (accessed 1 July 2024).

¹¹⁹ Louisiana State Legislature, RS 17 §17:10.5, [www.legis.la.gov/legis/Law.aspx?d=206926#:~:text=\(1\)%20An%20elementary%20or%20secondary,adopted%20by%20the%20State%20Board](http://www.legis.la.gov/legis/Law.aspx?d=206926#:~:text=(1)%20An%20elementary%20or%20secondary,adopted%20by%20the%20State%20Board) (accessed 1 July 2024).

¹²⁰ Ibid.

¹²¹ Louisiana State Board of Elementary and Secondary Education, “Appeals of Denied School Transfer Requests,” www.bese.louisiana.gov/about-bese/denied-school-transfer-request-appeals (accessed 1 July 2024).

Louisiana scored 48 points—a grade of F—tying for 21st place overall with Vermont.

Louisiana policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- or within-district open enrollment.
- Require districts to post their available capacity by grade level on their websites.
- Make public schools open to all students regardless of ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	48
Final Grade	F

MAINE'S OPEN ENROLLMENT POLICY SCORES 0 POINTS.



Maine does not permit cross-district or within-district open enrollment. While cross-district and within-district transfers can occur under exceptional circumstances or if two school districts create an agreement, these policies fail to establish anything resembling a comprehensive open enrollment policy. School districts are not prohibited from discriminating against transfer applicants based on their abilities or disabilities and are not required to inform rejected applicants of the reasons for their denial in writing. While the SEA tracks the number of transfer students, it does not collect or publish why transfer applications were rejected. Rejected applicants cannot appeal their denials to a non-district entity. Additionally, districts are not required to post the available capacity on their websites. Moreover, the Pine Tree State does not stop districts from charging students tuition.¹²²

Maine scored 0 points—a grade of F—tying for dead last with three other states.

Maine policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross-and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students, regardless of ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	0
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	0
Final Grade	F

¹²² Maine Legislature, Maine Revised Statutes, Title 20-A Education, Part 3 Elementary and Secondary Education, Chapter 213 Student Eligibility, §5205 Other Exceptions to General Residency Rules, www.mainelegislature.org/legis/statutes/20-a/title20-Asec5205.html (accessed 1 July 2024).

MARYLAND'S OPEN ENROLLMENT LAW RANKS DEAD LAST.



The Old Line State has no cross-district or within-district open enrollment options. School districts are not required to post their available capacity, nor are there provisions against charging transfer students tuition. The SEA does not collect or publish open enrollment data, such as the number of transfer students or why transfer applications were rejected. State law doesn't stop school districts from rejecting transfers based on their abilities or disabilities. School districts are not required to inform rejected applicants in writing of the reasons for their rejection. Rejected applicants cannot appeal their denial to a non-district entity.¹²³

Maryland scored 0 points—a grade of F—tying for last place with Alaska, Maine, and North Carolina.

Maryland policymakers can improve the state's open enrollment options in three main ways:

- Requires school districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	0
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	0
Final Grade	F

¹²³ Code of Maryland Regulations, Title 13a, Subtitle 08, Chapter 13a.08.01, Section 13a.08.01.20. Unsafe School Transfer Policy, www.mdrules.elaws.us/comar/13a.08.01.20; Congressional Research Service, "Overview of Public and Private School Choice Options."

MASSACHUSETTS' VOLUNTARY OPEN ENROLLMENT PROGRAMS FALL SHORT.



Massachusetts school districts are not required to participate in the state's voluntary within-district and cross-district open enrollment options. Districts participating must enroll transfers so long as capacity is available (within-district transfers can be prioritized). Each district establishes its own process for selecting students; however, a lottery is implemented when applications exceed available seats. School districts cannot discriminate against applicants based on their abilities or disabilities.¹²⁴ Transfer students can remain in their non-assigned school until graduation unless there is insufficient funding.¹²⁵ Districts cannot charge tuition to transfer students.¹²⁶

Although the Board of Education must disseminate information about the number of available seats in each participating school, the Bay State does not require districts to publish their available capacity by grade level or post their open enrollment policies or procedures on their websites. Nor does the SEA publish open enrollment data. The SEA collects various open enrollment data, such as the number of transfer students, but is not required to publish it.¹²⁷ School districts are not required to inform rejected applicants of the reasons for their rejections. Rejected applicants do not have a non-district entity appeals option.

¹²⁴ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76 § 12b(e), www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section12B (accessed 1 July 2024).

¹²⁵ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76, § 12, www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12; Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76, § 12a, www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12A#:~:text=Section%2012A%3A%20Plan%20for%20attendance,adoption%3B%20financial%20and%20technical%20assistance (accessed 1 July 2024).

¹²⁶ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76 § 12b(e).

¹²⁷ Massachusetts Department of Elementary and Secondary Education, SIMS Summary Report Explanation, www.doe.mass.edu/infoservices/data/sims/sumreports.html (accessed 1 July 2024).

Massachusetts scored 50 points—a grade of F—tying for 19th place with Ohio. If the Bay State adopted statewide cross-district open enrollment, it could improve its grade to a B.

Massachusetts policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Require the SEA to publish all pertinent open enrollment data.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	50
Final Grade	F

MICHIGAN IS THE ONLY STATE TO FINANCIALLY PENALIZE DISTRICTS FOR OPTING OUT OF OPEN ENROLLMENT.



School districts are not required to participate in cross-district or within-district open enrollment. However, if districts do not participate, they lose 5% of their state funding. While most school districts participate in open enrollment, many limit the number of transfer students through artificial caps.¹²⁸ Within-district open enrollment is only mandatory when a school remains unaccredited for three consecutive years. Districts are required to publish information about their open enrollment options, but not necessarily on their websites.¹²⁹ Districts prioritize transfer applications from former transfer students and those from the same home. School districts are prohibited from discriminating against applicants based on their ability or disability only if the applicant resides in a contiguous intermediate district. In the case of oversubscription, districts implement a waiting list and determine admission through randomized lotteries.¹³⁰ While districts participating in open enrollment cannot charge transfer students tuition, districts that have opted out of open enrollment can charge tuition to transfer students.¹³¹ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to 30 days and fined up to \$50.¹³²

Unfortunately, the Great Lakes State does not require districts to report their available capacity on their websites publicly. The SEA is not required to collect or publish data about open enrollment, such as the number of transfer students or why applications were rejected. School districts are not required to inform rejected applicants why they were denied in writing. Moreover, rejected applicants cannot appeal their denials to a non-district entity.

¹²⁸ Jude Schwalbach, "Open enrollment should be part of Michigan's education reforms," Reason Foundation, Commentary, March 30, 2024, www.reason.org/commentary/open-enrollment-should-be-part-of-michigans-education-reforms/ (accessed 1 July 2024).

¹²⁹ Michigan Legislature, Michigan Compiled Laws § 388.1705c Sec 105c. Enrollment by nonresident applicants residing in district located in a contiguous intermediate district, www.legislature.mi.gov/Laws/MCL?objectName=MCL-388-1705C (accessed 1 July 2024).

¹³⁰ Ibid.

¹³¹ Michigan Legislature, Michigan Compiled Laws § 380.1401 Admission of nonresident pupils; determination of tuition rates; collection of tuition; limitations on tuition, www.legislature.mi.gov/Laws/MCL?objectName=MCL-380-1401#:~:text=Sec.,and%20shall%20collect%20the%20tuition (accessed 1 July 2024).

¹³² DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

Michigan scored 35 points—a grade of F—tying for 25th place with seven other states.

Michigan policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Make public schools free to all students.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

MINNESOTA'S OPEN ENROLLMENT POLICY FALLS SHORT.



Minnesota school districts must participate in statewide cross-district open enrollment, but are not required to post their open enrollment policies or procedures online. A school district can limit the number of transfer students to a “number not less than the lesser of: one percent of the total enrollment at each grade level in the district; or the number of district residents at that grade level enrolled in a nonresident district.”¹³³ As a result, Minnesota’s policy falls short of Reason’s best practices since school districts can limit the number of transfer students even if they have open seats. According to the SEA website, transfer applicants offered an open seat must accept or decline it within 10 business days.¹³⁴

In student selection, Minnesota statute requires districts to prioritize “enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district’s staff,” and students living under unique circumstances. Nearly 10% of students utilized Minnesota’s cross-district option during the 2020-2021 school year.¹³⁵ State law prohibits districts from excluding students based on ability or disability.¹³⁶ Districts cannot charge fees to transfer students.¹³⁷ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to 90 days and fined up to \$1,000.¹³⁸

The North Star State does not have a statewide within-district open enrollment option, and districts are not required to post their available capacity on their websites.¹³⁹ While the SEA does not publish all pertinent open enrollment data, it does collect important information, such as the number of rejected transfer applications due to a lack of capacity.¹⁴⁰ Districts

¹³³ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 124D.03. Enrollment options program, www.codes.findlaw.com/mn/education-code-prekindergarten-grade-12-ch-120-129c/mn-st-sect-124d-03.html (accessed 1 July 2024).

¹³⁴ Minnesota Department of Education, Students and Families, “Open Enrollment,” www.education.mn.gov/MDE/fam/ (accessed 1 July 2024).

¹³⁵ Ibid.

¹³⁶ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 124D.03

¹³⁷ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 123B.37. Prohibited fees, www.codes.findlaw.com/mn/education-code-prekindergarten-grade-12-ch-120-129c/mn-st-sect-123b-37.html (accessed 1 July 2024).

¹³⁸ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

¹³⁹ Minnesota Department of Education, “Open Enrollment.”

¹⁴⁰ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 124D.03. Enrollment options program.

are not required to inform rejected applicants in writing why they were denied. Moreover, rejected applicants cannot appeal their denials to a non-district entity.

Minnesota scored 51 points—a grade of F—ranking 18th overall. If the North Star State eliminated its participation caps, it could improve its score by 30 points.

Minnesota policymakers can improve their open enrollment options in three main ways:

- Remove all participation caps from cross-district open enrollment.
- Require all districts to participate in within-district open enrollment.
- Require districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	51
Final Grade	F

MISSISSIPPI'S OPEN ENROLLMENT POLICY SCORED AN F.



Although Mississippi permits students to transfer to another school district, their families must obtain the mutual consent of both the sending and receiving school districts. Neither district is required to give consent regardless of their available capacity since participation is voluntary. Districts can charge transfer students tuition, and parents who falsify their address for unsanctioned student transfers can be incarcerated for up to five years or fined up to \$1,000.¹⁴¹ Siblings of transfer students can also transfer to the nonresident school district. The receiving school district will administer a standardized test to determine in which grade the transfer student should be enrolled.¹⁴² Mississippi doesn't stop school districts from denying transfer applicants based on a student's ability or disability. Cross-district transfer students are only guaranteed admission if attending their assigned school would require them to travel 30 miles or more and a school in an adjoining district is closer.¹⁴³

The Magnolia State does not provide a within-district transfer option, nor does it require districts to post their available capacity. The SEA collects some data about transfer students, but it is limited in scope and is not necessarily published. School districts are not required to inform rejected applicants why they were denied in writing. Moreover, rejected applicants cannot appeal their denials to a non-district entity.

Mississippi scored 30 points, earning an F, ranking 26th overall. If the state adopted statewide cross- and within-district open enrollment, its grade would improve to a C.

During the 2024 legislative session, state Rep. Jansen Owen introduced House Bill 867, which would only require transfer applicants to receive permission from the receiving school district. It would have also established an annual report to the legislature showing the number of transfer students by district. HB 867 passed in the House chamber.¹⁴⁴ House

¹⁴¹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹⁴² Mississippi Code Title 37. Education § 37-15-33. Standardized tests for transferring pupils, www.codes.findlaw.com/ms/title-37-education/ms-code-sect-37-15-33.html (accessed 1 July 2024).

¹⁴³ Mississippi Code Title 37. Education § 37-15-29. Enrollment or attendance location; residence; exceptions, www.codes.findlaw.com/ms/title-37-education/ms-code-sect-37-15-29.html (accessed 1 July 2024).

¹⁴⁴ Mississippi Legislature 2024 Regular Session, House Bill 867, www.billstatus.ls.state.ms.us/2024/pdf/history/HB/HB0867.xml (accessed 1 July 2024).

Speaker Jason White stated that improving the Magnolia State’s open enrollment laws would be a priority during the 2025 legislative session.¹⁴⁵

Mississippi policymakers can improve their open enrollment options in three main ways:

- Require districts to participate in cross- and within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	30
Final Grade	F

¹⁴⁵ Taylor Vance, “Speaker White wants to make it easier for Mississippi students to switch school districts,” *Mississippi Today*, June 10, 2024, www.mississippitoday.org/2024/06/10/school-choice-transfer-districts-jason-white-mississippi-legislature-vouchers/ (accessed 1 July 2024).

MISSOURI'S OPEN ENROLLMENT PROGRAM FALLS SHORT OF GOOD POLICY.



Missouri operates a voluntary cross-district transfer program called the Metropolitan Schools Achieving Value in Transfer Corporation. This program allows students assigned to school districts in St. Louis to transfer to schools in other participating districts.¹⁴⁶

Only unaccredited school districts (districts that fail to meet Missouri standards for academic or financial reasons) are required to participate in mandatory cross-district open enrollment.¹⁴⁷ Under these circumstances, approved districts in the same county or adjoining counties must post their transfer policies and procedures and their available capacity on their websites. Transfer students from unaccredited districts are not charged the cost of tuition. Although the SEA announced in 2023 that more than 100 school districts scored in the provisionally accredited or unaccredited score range under the state's new accountability system, scores will not officially affect school districts' accreditation status until the end of the 2023-2024 school year.¹⁴⁸ Missouri does not stop school districts from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing. Moreover, rejected applicants cannot appeal their denial to a non-district entity. Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to one year and fined up to \$10,000.¹⁴⁹

¹⁴⁶ Missouri Revised Statutes, Title XI Education and Libraries, 162.1060, Transfer corporation, board, powers and duties, funding – termination of corporation, funds to lapse to general revenue – regional attendance zones, www.revisor.mo.gov/main/OneSection.aspx?section=162.1060 (accessed 1 July 2024).

¹⁴⁷ Missouri Department of Elementary and Secondary Education, Transfer Guidance, "Guidance for Student Transfers from Unaccredited Districts to Accredited School Districts and Approved Charter Schools," Revised June 28, 2016, www.dese.mo.gov/media/pdf/transfer-guidance (accessed 1 July 2024).

¹⁴⁸ Kate Grumke, "Missouri just released new school performance data. Here's what to know about the declines," St. Louis Public Radio, March 7, 2023, www.kcur.org/education/2023-03-07/missouri-just-released-new-school-performance-data-heres-what-to-know-about-the-declines (accessed 1 July 2024).

¹⁴⁹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

Missouri scored 35 points—a grade of F—tying for 25th place with seven other states. Only eight states scored worse than Missouri.

Missouri policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

MONTANA'S OPEN ENROLLMENT POLICY SCORES A C.



Montana established a strong statewide cross-district open enrollment policy in 2023.¹⁵⁰ School districts can only reject transfer applicants for limited reasons, such as truancy or discipline. They can also reject a transfer applicant if approval would cause the district to exceed the limits of a building's construction standards, "capacity and ingress and egress elements, either by individual room or school building, of any fire code," or a school district's safety plan. The law also prohibits school districts from charging public school tuition to transfer students.

The Treasure State requires the superintendent of public instruction to annually report to the Education Interim Committee on Out-of-District Attendance each school district's total enrollment and the number of students that transfer into and out of it under out-of-district attendance agreements. However, the superintendent does not include the number of rejected transfer applications or why they were denied. Montana's open enrollment law does not require districts to post their open enrollment policies and procedures or their available capacity by grade level on their websites. Montana law does not stop school districts from denying transfer applicants based on their ability or disability. School districts are not required to inform rejected applicants in writing of the reasons for their denial. Moreover, rejected applicants cannot appeal their rejections to a non-district entity. School districts are not required to participate in within-district open enrollment.

Montana scored 76 points—a grade of C—ranking 12th overall. If the Treasure State adopted statewide within-district open enrollment, its score could be boosted to a B.

Montana policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require the superintendent to include the number of rejected applications and why transfer applicants were rejected in the annual report to the Education Interim Committee on Out-of-District Attendance.

¹⁵⁰ Montana Code Annotated 2023, § 20-5-321, www.leg.mt.gov/bills/mca/title_0200/chapter_0050/part_0030/section_0210/0200-0050-0030-0210.html (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	76
Final Grade	C

NEVADA'S OPEN ENROLLMENT POLICY GETS AN F.



Nevada permits voluntary cross-district transfers to schools in adjoining districts so long as the transfer student obtains permission from the receiving district's superintendent. With the approval of the superintendent of public instruction, the sending district can pay for the transfer student's tuition if there is an agreement with the receiving district.¹⁵¹

The Silver State does not require districts to post their available capacity. The SEA is not required to collect or publish pertinent open enrollment information. Nevada law does not stop school districts from rejecting transfer applicants based on their abilities or disabilities. School districts are not required to inform rejected applicants in writing of the reasons for their denial. Moreover, rejected applicants cannot appeal their denial to a non-district entity. Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to six months, fined \$1,000, or serve community service.¹⁵²

Nevada scored 35 points—a grade of F—ranking 25th overall with seven other states.

Nevada policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

¹⁵¹ Nevada State Code, Chapter 388 System of Public Instruction, NRS 388.040, www.leg.state.nv.us/nrs/nrs-388.html#NRS388Sec040 (accessed 1 July 2024).

¹⁵² DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

NEW HAMPSHIRE'S OPEN ENROLLMENT POLICY RECEIVES A FAILING GRADE.



Participation in cross-district and within-district open enrollment is voluntary for school districts in New Hampshire. They can predetermine the percentage of transfer students they admit or permit to leave. Moreover, districts can set varying criteria for student selection, including academic aptitude. While districts can prioritize within-district transfers during student selections, schools must implement a lottery in the case of oversubscription.

While within-district transfers can attend a school outside their catchment area for free, school districts can charge tuition to cross-district transfers. Plus, the state falls short of good transparency policy since school districts are not required to post their available capacity, and the SEA does not collect or publish open enrollment data. School districts are not required to inform rejected applicants in writing of the reasons for their denials. Moreover, rejected applicants cannot appeal their denials to a non-district entity.¹⁵³

New Hampshire scored 35 points—a grade of F—ranking 25th overall. Only eight states scored worse than New Hampshire.

New Hampshire policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

¹⁵³ RSA 194-D, www.gencourt.state.nh.us/rsa/html/XV/194-D/194-D-mrg.htm (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

NEW JERSEY'S OPEN ENROLLMENT POLICY SCORED AN F.



New Jersey operates a voluntary cross-district open enrollment option.¹⁵⁴ During the 2025-26 school year, roughly 20% of New Jersey school districts will participate in it.¹⁵⁵ Students must have been enrolled in their assigned school to be eligible to participate in the program. Schools can only participate if they have available capacity and have been approved by the commissioner for program participation.¹⁵⁶ Districts can prioritize the siblings of currently enrolled transfer students during student selection but must use a lottery in the case of oversubscription. New Jersey law ensures that public schools are open to all students regardless of their ability or disability.¹⁵⁷

Schools participating in cross-district open enrollment annually report various open enrollment data, such as the number of available seats, to the Department of Education. Also, each year, the commissioner makes a public report regarding the effectiveness of cross-district open enrollment.¹⁵⁸ Rejected applicants can appeal their denial to the commissioner, but school districts are not required to inform rejected applicants of the reason for their denial in writing.¹⁵⁹ Any school district that does not participate in open enrollment, however, can charge tuition to transfer students.¹⁶⁰ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to six months and fined up to \$1,000.¹⁶¹

¹⁵⁴ N.J.A.C. 6A:12, Interdistrict Public School Choice, www.nj.gov/education/code/current/title6a/chap12.pdf (accessed 1 July 2024).

¹⁵⁵ New Jersey Department of Education, "Interdistrict Public School Choice," www.nj.gov/education/choice/ (accessed 1 July 2024).

¹⁵⁶ New Jersey Department of Education, Interdistrict Public School Choice Program, "Policy and FAQs," www.nj.gov/education/choice/cdistricts/faq/#Tuitionandchoiceprograms (accessed 1 July 2024).

¹⁵⁷ N.J.A.C. 6A:12, New Jersey Department of Education, Interdistrict Public School Choice.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ 2023 New Jersey Revised Statutes, Title 18A - Education, Section 18A:38-19 - Tuition of pupils attending schools in another district, www.law.justia.com/codes/new-jersey/title-18a/section-18a-38-19/ (accessed 1 July 2024).

¹⁶¹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

New Jersey scored 36 points—a grade of F—tying for 24th with South Carolina and Texas.

New Jersey policymakers can improve their open enrollment policy in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	36
Final Grade	F

NEW MEXICO SCORES A FAILING GRADE.



New Mexico permits voluntary cross-district and within-district open enrollment, prioritizing those assigned to schools rated “F” for two of the last four years. Participating schools must accept transfer students so long as they do not exceed the maximum class size set by the state or district.¹⁶² School districts cannot charge tuition to transfer students.

School districts in the Land of Enchantment are not required to post their available capacity or open enrollment policies or procedures online. Additionally, the SEA is not required to collect or publish important open enrollment data. New Mexico law should clarify that school districts cannot reject applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing. Rejected applicants are not guaranteed an appeal to a non-district entity.

New Mexico scored 45 points—an F grade—ranking 22nd overall with three other states. If the Land of Enchantment adopted statewide cross- and within-district open enrollment, its grade could be improved to a B.

New Mexico policymakers can improve their state’s open enrollment options in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

¹⁶² New Mexico Statutes Chapter 22. Public Schools § 22-12A-5. Public school attendance, www.codes.findlaw.com/nm/chapter-22-public-schools/nm-st-sect-22-12a-5.html (accessed 1 July 2024); New Mexico Statutes Chapter 22. Public Schools § 22-1-4. Free public schools; exceptions; withdrawing and enrolling; open enrollment, www.codes.findlaw.com/nm/chapter-22-public-schools/nm-st-sect-22-1-4.html (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	45
Final Grade	F

NEW YORK'S OPEN ENROLLMENT POLICY RANKS 26TH.



New York permits voluntary cross-district open enrollment through its Urban-Suburban Interdistrict Transfer Program.¹⁶³ To participate in the program, districts must prove that (1) they anticipated declines in minority students and that allowing transfer students will improve diversity, and (2) resident students enrolled in nonpublic schools will have an equitable opportunity to participate in the transfer program. Districts are not permitted to accept transfer students on the basis that they may improve nonacademic programs if the student has a handicap, attendance issues, or disciplinary concern that the school cannot support.¹⁶⁴ Only 16 out of 731 New York school districts participate in the program.¹⁶⁵ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to seven years.¹⁶⁶

New York scored 30 points—a grade of F—ranking 26th overall or third to last.

New York policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

¹⁶³ Casetext, N.Y. Comp. Codes R. & Regs. tit. 8 § 175.24, www.casetext.com/regulation/new-york-codes-rules-and-regulations/title-8-education-department/chapter-ii-regulations-of-the-commissioner/subchapter-l-finance/part-175-state-aid/section-17524-voluntary-interdistrict-urban-suburban-transfer-program (accessed 1 July 2024).

¹⁶⁴ Ibid.

¹⁶⁵ Monroe One, Urban-Suburban, Interdistrict Transfer Program, www.monroe.edu/Page/2639 (accessed 1 July 2024); New York State Department of Education, “New York State Education at a Glance,” www.data.nysed.gov/ (accessed 1 July 2024).

¹⁶⁶ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all student (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	30
Final Grade	F

NORTH CAROLINA TIES FOR DEAD LAST.



The Tar Heel State does not have any codified open enrollment options.¹⁶⁷ The SEA doesn't publish any information on transfer students, and school districts aren't required to post their open enrollment policies and procedures or their available capacity by grade level on their websites. School districts aren't stopped from charging transfers tuition. Moreover, the state law doesn't stop school districts from selecting students based on their ability or disability. Denied applicants are not guaranteed an appeal to a non-district entity. Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to 120 days and fined at the court's discretion.¹⁶⁸

North Carolina scored 0 points—a grade of F—ranking dead last overall with three other states.

North Carolina policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	0
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	0
Final Grade	F

¹⁶⁷ Congressional Research Service, "Overview of Public and Private School Choice Options."

¹⁶⁸ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

NORTH DAKOTA'S OPEN ENROLLMENT POLICY GETS A C+.



North Dakota requires all school districts to participate in cross-district open enrollment and makes public schools free to all students.¹⁶⁹ Transfer applications can only be rejected if there is a lack of capacity in a program, grade level, or school. While school districts cannot influence students' decisions to participate in open enrollment, they can provide informational materials about open enrollment at any time.

While this is a first step in the right direction, the Peace Garden State has a ways to go. It does not require school districts to participate in within-district open enrollment. Another weakness in North Dakota's new policy is a lack of transparency. School districts are not required to post their open enrollment policies and procedures or available capacity by grade level on their websites. Also, the North Dakota Department of Public Instruction does not publish an annual report showing the number of transfer students, the number of rejected applications, and the reasons for rejections. While the state's open enrollment law prohibits school districts from denying applicants based on their disability, this falls short of good policy since superintendents can limit applications by program type. Moreover, school districts are not required to inform rejected applicants in writing of the reasons for their denial. Rejected applicants are not guaranteed an appeal to a non-district entity.

North Dakota scored 77 points—a grade of C+—ranking 11th overall. If the Peace Garden State adopted statewide within-district open enrollment, it could increase its score by 10 points, improving its grade to a B.

North Dakota policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in within-district open enrollment.
- Make public schools open to all students regardless of their disability.
- Require the North Dakota Department of Public Instruction to publish an annual report showing the number of transfer students, rejected applications, and why applicants were denied.

¹⁶⁹ North Dakota Legislative Branch, Century Code Title 15.1-31, www.ndlegis.gov/general-information/north-dakota-century-code/index.html (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	2
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	77
Final Grade	C+

OHIO'S OPEN ENROLLMENT POLICY GETS A FAILING GRADE.



Ohio permits voluntary cross-district open enrollment. More than 77,000 students used cross-district open enrollment during FY 2024, according to Fordham Institute.¹⁷⁰ Each school district must set one of the following policies: prohibiting any cross-district transfers (unless tuition is paid for the child), permitting transfers from adjacent districts, or permitting transfers from any district. Districts that prohibit cross-district transfers can admit non-residentially assigned students who can pay the cost of tuition.¹⁷¹ At least 22 school districts charged tuition to transfer students. Of these districts, the average tuition rate is \$11,000.¹⁷² Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to three years.¹⁷³

Moreover, the Buckeye State requires all districts to have a within-district transfer policy in place if there is more than one school building serving the same grades inside the district. Districts with a within-district policy must annually inform parents of their education options, however, it is unclear if school districts must post this information on their website. While reviewing applications, school districts must prioritize those from the resident district and returning students. However, districts have significant discretion in how the within-district policy is implemented.¹⁷⁴

Although the SEA publicly reports which districts participate in open enrollment and to what degree, they do not track why transfer applications were rejected.¹⁷⁵ Nor are districts required to publicly report their available capacity. Ohio's open enrollment policy requires

¹⁷⁰ Churchill, "Ohio's school funding formula is hurting open enrollment."

¹⁷¹ Ohio Laws & Administrative Rules, Ohio Revised Code, Title 33 Education-Libraries, Chapter 3313 Boards of Education, §3313.97, www.codes.ohio.gov/ohio-revised-code/section-3313.97; §3313.98, <https://codes.ohio.gov/ohio-revised-code/section-3313.98> (accessed 1 July 2024); §3313.981, www.codes.ohio.gov/ohio-revised-code/section-3313.981 (accessed 1 July 2024).

¹⁷² Schwalbach, "When Public Schools Keep Certain Students Out – or Make Them Pay to Attend."

¹⁷³ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹⁷⁴ Open Enrollment, Overview and Explanation, February 2015, www.education.ohio.gov/getattachment/Topics/School-Choice/Public-Schools/Forms-and-Program-Information-for-Traditional-Publ/OE-Overview-February-2015.pdf.aspx (accessed 1 July 2024).

¹⁷⁵ Ohio Laws & Administrative Rules, Ohio Revised Code, Title 33 Education-Libraries, Chapter 3317 Foundation Program, §3317.08, www.codes.ohio.gov/ohio-revised-code/section-3317.08 (accessed 1 July 2024); Deven Carlson, "Open Enrollment and Student Diversity in Ohio's Schools," Thomas B. Fordham Institute, January 2021, www.fordhaminstitute.org/ohio/research/open-enrollment-and-student-diversity-ohios-schools (accessed 1 July 2024).

that school districts are open to all students regardless of their ability or disability.¹⁷⁶ However, school districts are not required to inform rejected applicants why they were denied. Moreover, rejected applicants are not guaranteed an appeal to a non-district entity.

Ohio scored 50 points—a grade of F—tying for 19th place with Massachusetts. If Ohio adopted statewide cross-district open enrollment, its score would improve to a B.

During the 2024 legislative session, State Sen. Kristina D. Roegner introduced Senate Bill 208, which aimed to prioritize transfer applicants who are the children of active-duty military personnel. The proposal passed in the Senate chamber.¹⁷⁷

Ohio policymakers can improve their state’s open enrollment options in three main ways:

- Require all districts to participate in cross-district open enrollment.
- Make public schools free to all students.
- Require districts to publicly report their available capacity and post their policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	5
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	50
Final Grade	F

¹⁷⁶ Ohio Laws & Administrative Rules, Ohio Revised Code, Title 33 Education-Libraries, Chapter 3313 Boards of Education, §3313.98, www.codes.ohio.gov/ohio-revised-code/section-3313.98 (accessed 1 July 2024).

¹⁷⁷ The Ohio Legislature, Senate Bill 208, www.legislature.ohio.gov/legislation/135/sb208 (accessed 1 July 2024).

OREGON'S OPEN ENROLLMENT POLICY GETS AN F.



Oregon sunsetted its cross-district open enrollment option in 2019. The Beaver State does permit voluntary cross-district transfers to occur when districts contract with each other or when special circumstances arise for students, such as homelessness, documented cyberbullying or severe harassment, a parent's death or military deployment, a student's medical condition, or the availability of safe and affordable childcare for the student. Under these circumstances, school districts can also prioritize the siblings of current transfer students or those students who received permission to remain enrolled even though they experienced an address change. However, state law doesn't stop school districts from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing. Moreover, rejected applicants are not guaranteed an appeal to a non-district entity.¹⁷⁸

Oregon scored 35 points—a grade of F—ranking 25th.

Oregon policymakers can improve their open enrollment options in three ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.
- Make public schools free to all students.

¹⁷⁸ Oregon Legislature, Chapter 339 – School Attendance; Admission; Discipline; Safety, 2021 Edition, 339.125, 339.127-128, 339.155, www.oregonlegislature.gov/bills_laws/ors/ors339.html (accessed 1 July 2024); Oregon Secretary of State, Oregon Department of Education, 581-021-0019 Interdistrict Transfer Agreement, www.secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=oFVdECCrQwTmveSDYbretX7qm8imra56QjvdkmnH7XxVVqmkkQJz!327936764?ruleVrsnRsn=144548 (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

PENNSYLVANIA'S OPEN ENROLLMENT PROGRAM GETS A FAILING GRADE.



In Pennsylvania, voluntary cross-district open enrollment may occur with the permission of the receiving district so long as it is more convenient for the transfer student. However, transfer students must live at least 1.5 miles or more from their assigned school. When a cross-district transfer is considered convenient, the sending district must pay the receiving district the cost of tuition.¹⁷⁹ Voluntary within-district transfers are permitted so long as parents can show good cause to the school board, which can reassign the transfer student to any other school in the district. However, state law doesn't stop school districts from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing.

Moreover, rejected applicants are not guaranteed an appeal to a non-district entity.¹⁸⁰ While the state lacks important transparency reporting, it does not allow school districts to charge tuition to cross-district transfer students' families. Yet parents who falsify their address for unsanctioned student transfers can be fined up to \$500.¹⁸¹

The Keystone State scored 45 points—a grade of F—ranking 22nd overall with three other states. If it adopted statewide cross- and within-district open enrollment, the state could improve its score by 40 points, earning a grade of B.

Pennsylvania policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

¹⁷⁹ Pennsylvania Statutes Title 24 P.S. Education § 13-1313. Attendance in other districts, www.codes.findlaw.com/pa/title-24-ps-education/pa-st-sect-24-13-1313.html (accessed 1 July 2024); Pennsylvania Statutes Title 24 P.S. Education § 13-1316. Permitting attendance of non-resident pupils, www.codes.findlaw.com/pa/title-24-ps-education/pa-st-sect-24-13-1316.html (accessed 1 July 2024).

¹⁸⁰ Pennsylvania Statutes Title 24 P.S. Education § 13-1310. Assignment of pupils to schools, www.codes.findlaw.com/pa/title-24-ps-education/pa-st-sect-24-13-1310.html (accessed 1 July 2024).

¹⁸¹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	45
Final Grade	F

RHODE ISLAND GETS AN F.



Voluntary cross-district and within-district open enrollment are permitted when the school committee of any city or town finds it more convenient for a residentially assigned student to transfer to a school in an adjoining city or town. School districts are not prohibited from denying transfer applicants based on their abilities or disabilities. They also aren't required to inform rejected applicants why their applications were denied. Rejected applicants cannot necessarily appeal their denial to a non-district entity. The sending school district pays the cost of tuition.¹⁸²

Rhode Island scored 45 points—an F grade—ranking 22nd overall with Connecticut, New Mexico, and Pennsylvania. By adopting statewide cross- and within-district open enrollment, the Ocean State could increase its score by 40 points and earn a B grade.

Rhode Island policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	45
Final Grade	F

¹⁸² R.I. Gen. Laws § 16-2-19, www.webserver.rilin.state.ri.us/Statutes/TITLE16/16-2/16-2-19.htm (accessed 1 July 2024); R.I. Gen. Laws § 16-21.1-1, www.webserver.rilin.state.ri.us/Statutes/TITLE16/16-21.1/16-21.1-1.htm (accessed 1 July 2024); R.I. Gen. Laws § 16-21.1-3, www.webserver.rilin.state.ri.us/Statutes/TITLE16/16-21.1/16-21.1-3.htm (accessed 1 July 2024).

SOUTH CAROLINA DOESN'T MEET ANY OF REASON'S METRICS FULLY.



South Carolina permits voluntary cross-district transfers, but gives county education officials ample discretion to deny or accept applicants from neighboring districts.¹⁸³ Moreover, the Palmetto State doesn't require districts to publish important data necessary to implement a robust universal open enrollment policy, such as reports on current school capacity or district rules for how transfer requests are evaluated. Moreover, the state fails to set clear guidelines for how districts are and are not allowed to evaluate transfer applications. The state's open enrollment law doesn't stop school districts from rejecting transfer applications based on students' abilities or disabilities.¹⁸⁴ While district denials of student transfer applications can be overridden by a County Board of Education if it concludes that the denial was performed "unreasonably or capriciously," this kind of override requires a formal hearing. Also, school districts are not required to inform rejected applicants in writing of the reasons for their denials.¹⁸⁵ It's also worth noting that South Carolina doesn't require or facilitate within-district open enrollment.

South Carolina permits districts to charge tuition to the parents or guardians of transfer students. These fees, which are based on the per-pupil revenues raised from local property taxes for operations and bonds, can be waived, however.¹⁸⁶ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to 30 days and fined up to \$500.¹⁸⁷

¹⁸³ South Carolina Code of Laws Unannotated Title 59 Education, Chapter 63, §59-63-490. Transfer to adjoining school district, www.scstatehouse.gov/code/t59c063.php (accessed 1 July 2024).

¹⁸⁴ South Carolina Code of Laws Unannotated Title 59 Education §59-63-40. Discrimination on account of race, creed, color, or national origin prohibited, www.scstatehouse.gov/code/t59c063.php (accessed 1 July 2024).

¹⁸⁵ South Carolina Code of Laws Unannotated Title 59 Education §59-63-510. County Board of Education authorized to order transfer, www.scstatehouse.gov/code/t59c063.php (accessed 8 August 2024).

¹⁸⁶ South Carolina Code of Laws Unannotated Title 59 Education §59-63-45. Reimbursement for attending another school district, www.scstatehouse.gov/code/t59c063.php (accessed 1 July 2024).

¹⁸⁷ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

South Carolina scored 36 points—a grade of F—tying for 24th place with New Jersey and Texas.

South Carolina policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	36
Final Grade	F

SOUTH DAKOTA'S OPEN ENROLLMENT POLICY TIES FOR 9TH PLACE OVERALL.



South Dakota has statewide cross-district and within-district open enrollment so long as transfers do not result in overcrowding or injury to the public schools.¹⁸⁸ Each school board must adopt standards regarding student acceptance or rejection. Students can only be rejected for limited reasons, such as capacity and the teacher-pupil ratio. While school districts are prohibited from denying students based on their disability, the state's open enrollment law doesn't clearly stop school districts from denying applicants based on their abilities.¹⁸⁹ Transfer applicants must apply to the Department of Education, and the school board of the receiving district must approve or reject the application and notify the applicant accordingly. But school districts are not required to inform rejected applicants why they were denied in writing.

Cross-district transfers can only occur before the last Friday in September during the first semester of any school year and before the last Friday in January during the second semester of any school year.¹⁹⁰ On the other hand, within-district transfers can occur any time during the year. The Mount Rushmore State requires that school districts prioritize the siblings of current transfer students for all open enrollment admissions.

The state does not require districts to post their policies or procedures for cross-district or within-district open enrollment on their websites. While districts publicly report the number of transfer students, the SEA does not collect data about why transfer applicants were rejected. Similarly, districts are not required to post their available capacity online.¹⁹¹ Moreover, transfer students are not entitled to a free education and could be charged tuition.¹⁹²

¹⁸⁸ South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-21. Admission of nonresident students, www.sdlegislature.gov/Statutes/13-28-21 (accessed 1 July 2024); South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-40. Enrollment options program established, www.sdlegislature.gov/Statutes/13-28-40 (accessed 1 July 2024).

¹⁸⁹ South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-44. Standards for acceptance or rejection of application to enroll, www.sdlegislature.gov/Statutes/13-28-44 (accessed 1 July 2024).

¹⁹⁰ South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-43. Enrollment of student in other than resident district or transfer within district--Approval and notification, www.sdlegislature.gov/Statutes/13-28-43 (accessed 1 July 2024).

¹⁹¹ South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-47. Disclosure, www.sdlegislature.gov/Statutes/13-28-47 (accessed 1 July 2024).

¹⁹² South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-22. Tuition charged for students not entitled to free school privileges of district, www.sdlegislature.gov/Statutes/13-28-22 (accessed 1 July 2024).

South Dakota scored 80 points, a grade of B-, ranking 9th overall with Wisconsin. If the Mount Rushmore State made public schools free to all students, it could increase its score by 10 points, earning an A.

South Dakota policymakers can improve their open enrollment options in three main ways:

- Make public schools free to all students.
- Require school districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.
- Require the SEA to collect and publish all open enrollment data, including the number of rejected applicants and their reasons for rejection.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	3
#5 Transparent SEA reports (4)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	80
Final Grade	B-

TENNESSEE RANKS 20TH OVERALL.



Tennessee permits voluntary cross-district open enrollment. All transfers, however, are at the discretion of the receiving local boards of education, which can charge tuition or fees.¹⁹³ If the local Board of Education permits, parents can choose the school to which their child transfers.

The Volunteer State requires all districts to participate in statewide within-district open enrollment. Local boards of education must review all within-district transfer applications before considering any cross-district transfer applications and decide which schools can participate based on their available capacity. At least 14 days before the start of the academic year, local boards of education must post the number of spaces available for enrollment in each school by grade, class, and program level. Applications are approved if space is available; however, a randomized lottery is implemented in the case of oversubscription.¹⁹⁴

School districts can prioritize transfer applications for students who relocate to inside the school zone, those whose siblings are currently enrolled, or whose parents teach at the school. However, school districts are not stopped from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied. Rejected applicants cannot necessarily appeal their denial to a non-district entity. The state code does not require the SEA to collect or publish relevant open enrollment data, such as why transfer applications were rejected.

Tennessee scored 49 points—a grade of F—ranking 20th overall. If the state adopted statewide cross-district open enrollment, it could improve its grade to a C+.

¹⁹³ Tenn. Code Ann. § 49-6-3104, www.law.justia.com/codes/tennessee/2021/title-49/chapter-6/part-31/section-49-6-3104/#:~:text=Transfer%20of%20Students,-Universal%20Citation%3A%20TN&text=Local%20boards%20of%20education%20may,their%20respective%20local%20school%20systems (accessed 1 July 2024); Tenn. Code Ann. § 49-6-3003, www.law.justia.com/codes/tennessee/2021/title-49/chapter-6/part-30/section-49-6-3003/ (accessed 1 July 2024).

¹⁹⁴ Tenn. Code Ann. § 49-2-128, www.law.justia.com/codes/tennessee/2021/title-49/chapter-2/part-1/section-49-2-128/ (accessed 1 July 2024).

Tennessee policymakers can improve their open enrollment options in three main ways:

- Require all school districts to participate in cross-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	49
Final Grade	F

TEXAS' OPEN ENROLLMENT POLICY GETS AN F.



The Lone Star State does not require statewide cross-district open enrollment. Transfers occur upon the approval of both the student's parents and the receiving school district. During the 2021-2022 school year, more than 204,000 students used the state's student transfer option.¹⁹⁵ While Texas boasts a robust transparency system, the state falls short when it comes to open enrollment transparency.¹⁹⁶

Voluntary within-district transfers are at the discretion of the school district.¹⁹⁷ To transfer students, parents must petition the school district, making the case for why their children should be transferred to another school (they can specify where they wish to transfer to) or why their residential school is insufficient.¹⁹⁸ Based on the evidence, the school district decides to accept or reject the transfer students' petitions.¹⁹⁹

The Lone Star State permits students assigned to a school that has received an "unacceptable performance rating that is made publicly available" to transfer to a school either inside or outside their assigned district.²⁰⁰

The state code does not require districts to post their available capacity online or prevent them from charging families tuition. Texas' student transfer laws don't stop school districts from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing. Rejected applicants are not guaranteed an appeals process to a non-district entity. Parents who falsify their address for

¹⁹⁵ House Select Committee on Educational Opportunity and Enrichment, "Initial Interim Report to the Eighty-Eighth Texas Legislature," August 2023, www.house.texas.gov/_media/pdf/committees/reports/88interim/House-Select-Committee-on-Educational-Opportunity-and-Enrichment-August-2023.pdf (accessed 1 July 2024).

¹⁹⁶ Texas Education Agency, "Enrollment Trends," www.tea.texas.gov/reports-and-data/school-performance/accountability-research/enrollment-trends (accessed 1 July 2024); Texas Constitution and Statutes, Education Code, Title 2, Chapter 25, Subchapter B, §25.0031-§25.0038, www.statutes.capitol.texas.gov/?link=ED (accessed 1 July 2024); Education Code, Title 2. Public Education, Subtitle F. Curriculum, Programs, and Services, Chapter 29. Educational Program, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.29.htm#G (accessed 1 July 2024).

¹⁹⁷ Texas Constitution and Statutes, Education Code, Title 2, Chapter 25.032, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 1 July 2024).

¹⁹⁸ Texas Constitution and Statutes, Education Code, Title 2, Chapter 25.033, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 1 July 2024).

¹⁹⁹ Texas Constitution and Statutes, Education Code, Title 2, Chapter 25.034, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 1 July 2024).

²⁰⁰ Texas Education Code - Education § 29.202. Eligibility, www.codes.findlaw.com/tx/education-code/educ-sect-29-202.html#:~:text=%C2%A7%2029.202-,Texas%20Education%20Code%20%2D (accessed 1 July 2024).

unsanctioned student transfers can be incarcerated for up to 10 years and fined up to \$10,000.²⁰¹

Texas scored 36 points—a grade of F—tying for 24rd place. By adopting statewide cross- and within-district open enrollment, the Lone Star State could improve its grade to a C.

Texas policymakers can improve their open enrollment laws in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	36
Final Grade	F

²⁰¹ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

UTAH RANKS 4TH OVERALL.



All Utah schools must accept cross-district and within-district transfer students if their enrollment is at or below the open enrollment threshold. At a minimum, school boards must advertise their open enrollment options; use the standard application forms established by the state board; comply with the state’s application, submission, and acceptance or rejection procedures; and provide written notification of a transfer student to the appropriate entity and written notification to parents regarding its decision. School districts cannot deny transfer applicants based on their ability, but can deny students with disabilities when program space isn’t available. However, the law does not require school districts to include the reasons for their decision in this written notification. Rejected applicants can appeal their denial to the local school board, but Utah’s law is unclear if any of the “subsequent proceedings” include appeals to non-district entities.²⁰²

While districts cannot charge transfer students for tuition, they can charge a \$5 fee to cover the cost of processing transfer applications. For each school in the district, the local school board must post on the school district’s website: the school’s maximum capacity; the school’s adjusted capacity; the school’s projected enrollment used in the calculation of the open enrollment threshold; actual enrollment on October 1, January 2, and April 1; the number of nonresident student enrollment requests; the number of nonresident student enrollment requests accepted; and the number of resident students transferring to another school. The SEA is not required to publish open enrollment data, such as the number of transfer applicants rejected and the reasons transfer applications are denied. Schools cannot typically transport transfer students across district boundaries.

The Beehive State scored 91 points, a grade of A-, ranking 4th overall. Only Arizona, Idaho, Oklahoma, and West Virginia scored better than Utah.

During the 2024 legislative session, Gov. Spencer Cox signed House Bill 341, introduced by Rep. Brady Brammer, into law, ensuring that any student affected by district boundaries or

²⁰² Utah Code, Title 53G Public Education System—Local Administration, Chapter 6 Participation in Public Schools, Part 4 School District Enrollment, §401-407, www.le.utah.gov/xcode/Title53G/Chapter6/53G-6-P4.html?v=C53G-6-P4_2018012420180124 (accessed 1 July 2024).

school closures has 30 days to seek within-district transfer. Districts or the receiving school must inform applicants of their decisions in writing.²⁰³

Utah policymakers can improve their open enrollment options in three main ways:

- Require the SEA to collect and publish important open enrollment data annually, such as the number of transfer applications and why applications were rejected.
- Require districts to inform rejected applicants in writing why they were denied and establish a non-district appeals process for rejected applicants.
- Make public schools open to all students regardless of their disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	2
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	91
Final Grade	A-

²⁰³ Utah State Legislature, H.B. 341 School Closures Amendments, www.le.utah.gov/%7E2024/bills/static/HB0341.html (accessed 1 July 2024).

VERMONT'S OPEN ENROLLMENT POLICY GETS AN F.



The state requires all high schools to participate in statewide cross-district and within-district open enrollment. A sending high school board can limit the number of assigned students seeking to transfer to another district, but this cap must not be fewer than 5% of assigned students or 10 students (whichever is fewer). Likewise, the number of students transferring out of their assigned schools cannot exceed either 10% or 40 students (whichever is fewer). Vermont prioritizes applications that were rejected in the previous academic year. School districts are not prohibited from rejecting applicants based on their ability, but cannot deny applicants based on their disability. Moreover, school districts are not required to inform rejected applicants in writing why they were denied. Rejected applicants aren't guaranteed an appeal to a non-district entity.

The Green Mountain State, however, does not allow districts to charge tuition to families. Although each district is required to announce its available capacity as of February 1st of each year, the state code does not require that districts post their available capacity online.²⁰⁴

Vermont scored 48 points—an F—ranking 21st overall with Louisiana. By adopting cross- and within-district open enrollment, the Green Mountain State could improve its grade to a B+.

Vermont policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools open to all students regardless of their ability.
- Require all districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

²⁰⁴ Vermont Statutes Online, 16 V.S.A. § 821, 822a, 1222, www.legislature.vermont.gov/statutes/title/16 (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	3
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	48
Final Grade	F

VIRGINIA TIES FOR SECOND LAST.



Virginia has no cross-district open enrollment. However, the state has a limited voluntary within-district open enrollment policy. School districts, locally called divisions, allowing within-district transfers must post their policies and procedures on their websites. Yet divisions can prohibit their own employees from advertising their open enrollment options. Divisions can prioritize the transfer applications of students whose attendance zone changed in the past two years, siblings of students currently attending the school, and the children of school personnel.²⁰⁵

The state code does not prevent divisions from charging transfer students tuition. In fact, Reason Foundation found that at least 55 school divisions charge tuition to transfer students, averaging \$4,000 per transfer. However, eight divisions charged fees exceeding \$10,000 per transfer, peaking at \$24,000 per high school transfer in Falls Church City.²⁰⁶ Nor does the code require them to post their available capacity online. Divisions can deny applicants based on their ability or disability and are not required to inform rejected applicants why they were denied in writing. Rejected applicants cannot appeal to a non-district entity.²⁰⁷

Virginia scored 5 points—a grade of F—tying for second to last place with Alabama. Only four states scored worse than Virginia.

During the 2024 legislative session, Rep. Jason Ballard introduced House Bill 659, which would have required the Board of Education to develop open enrollment guidance for school divisions and make public schools free to all students. The proposal passed the House. If it were signed into law, Virginia’s open enrollment score would have increased by 40 points.²⁰⁸

Virginia policymakers can improve their open enrollment options in three main ways:

²⁰⁵ Code of Virginia, Title 22, § 22.1-7.1. Open school enrollment policy, www.lis.virginia.gov/vacode/title22.1/chapter1/section22.1-7.1/ (accessed 1 July 2024).

²⁰⁶ Schwalbach, “Many of Virginia’s public schools charge significant tuition to transfer students;” Jude Schwalbach, “Virginia school enrollments declining: K-12 open enrollment can help,” *Washington Examiner*, November 16, 2023, www.washingtonexaminer.com/opinion/2570861/virginia-school-enrollments-declining-k-12-open-enrollment-can-help/ (accessed 1 July 2024).

²⁰⁷ Virginia Code Title 22.1. Education §22.1-3, §22.1-3.3, §22.1-7.1, www.codes.findlaw.com/va/title-22-1-education/#!tid=NC3D4F0608F8B11DBAEB0F162COEFAF87 (accessed 1 July 2024).

²⁰⁸ Virginia Legislative Information System, “HB 659 Open Enrollment policies; guidance on best practices,” 2024 Session, www.lis.virginia.gov/cgi-bin/legp604.exe?241+sum+HB659j (accessed 1 July 2024).

- Require all public schools to participate in cross- and within-district open enrollment.
- Make public schools free to all students
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	0
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	5
Final Grade	F

WASHINGTON NEEDS TO IMPROVE ITS CROSS-DISTRICT OPEN ENROLLMENT POLICY.



Washington State permits a voluntary cross-district open enrollment under limited conditions, such as the receiving school district being closer to a parent’s work or if attending the non-resident district would significantly improve the student’s financial, health, or education conditions. However, districts can reject transfer applicants if their acceptance would result in the district experiencing a “financial hardship.” As well, the law does not stop school districts from denying applicants based on their ability or disability. The transfer only occurs if both the receiving and sending districts agree; the receiving district is only “strongly encouraged” to honor the transfer student’s school selection. Districts only provide information about cross-district open enrollment upon request.²⁰⁹ Students seeking to transfer schools cannot be charged tuition.²¹⁰ Rejected applicants can only appeal to a non-district entity under limited circumstances, but districts must inform them in writing why they were denied.²¹¹

All school districts are required to participate in statewide within-district open enrollment.²¹² However, school districts are not required to post their within-district open enrollment option on their websites publicly. Districts are only required to provide their within-district transfer policies to non-residents upon request.²¹³ Districts must prioritize transfer applications for students who are children of the full-time teaching staff. Within-district transfer students cannot be charged tuition.²¹⁴ Parents, however, who falsify their address for unsanctioned student transfers can be fined up to \$500.²¹⁵

The Evergreen State does not require districts to post their available capacity, and the SEA is not required to publicly report important open enrollment data, such as why transfer applicants were rejected.

Washington scored 56 points—a grade of F—ranking 15th overall. If Washington adopted statewide cross-district open enrollment, it could improve its grade to B.

²⁰⁹ RCW 28A.225.225, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.225 (accessed 1 July 2024).

²¹⁰ RCW 28A.225.220, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.220 (accessed 1 July 2024).

²¹¹ RCW 28A.225.230, www.apps.leg.wa.gov/rcw/default.aspx?cite=28a.225.230 (accessed 1 July 2024).

²¹² RCW 28A.225.270, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.270 (accessed 1 July 2024).

²¹³ RCW 28A.225.290, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.290 (accessed 1 July 2024); RCW 28A.225.300, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.300 (accessed 1 July 2024).

²¹⁴ RCW 28A.225.210, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.210 (accessed 1 July 2024).

²¹⁵ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

Washington policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross-district open enrollment.
- Require districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	56
Final Grade	F

WEST VIRGINIA'S OPEN ENROLLMENT POLICY RANKS 3RD PLACE.



All West Virginia school districts must participate in both cross- and within-district open enrollment.²¹⁶ During the 2023-24 school year, 7,562 students used open enrollment.²¹⁷ Also, school districts cannot charge transfer students public school tuition. While school districts cannot deny applicants based on their disability, they can deny them based on their ability.

The Mountain State requires the State Department of Education to collect important open enrollment data, including the number of transfer applicants accepted or rejected, and the reasons why applications were rejected, and to report these data to the Legislative Oversight Commission on Education Accountability (LOCEA) by July 30th each year. While some of these data could be made public at LOCEA meetings, they do not have to be published. Every year, each school district must post its number of accepted or rejected transfer students on its website. School districts must also post their open enrollment policies and procedures online, but do not have to post their available capacity by grade level.

School districts must inform rejected applicants in writing why they were denied. Rejected applicants can appeal their denials to the county board, and the county board's decision can be appealed to the state superintendent of schools.

West Virginia scored 95 points—an A grade—ranking third overall with Arizona. The Mountain State could be the first state to receive a perfect score by publishing its annual open enrollment report and stopping school districts from denying transfer applicants based on their abilities.

²¹⁶ West Virginia Code, §18-5-16. Student transfers; definitions; appeals; calculating net enrollment; fees for transfer, www.code.wvlegislature.gov/18-5-16/ (accessed 1 July 2024).

²¹⁷ Jude Schwalbach, "Rural West Virginia families embrace open enrollment," Reason Foundation, Commentary, August 14, 2024, www.reason.org/commentary/rural-west-virginia-families-embrace-open-enrollment/ (accessed 26 August 2024).

West Virginia policymakers can improve their open enrollment options in three main ways:

- Require school districts to post their available capacity by grade level.
- Make public schools open to all students regardless of ability.
- Publish the annual open enrollment report by LOCEA.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	3
#5 Transparent SEA reports (4)	3
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	2
Total Points (100)	95
Final Grade	A

WISCONSIN SCORES A B-.



All districts must participate in Wisconsin’s statewide cross-district open enrollment option so long as they have available capacity. In fact, more than 73,000 students used cross-district open enrollment during the 2022-23 school year.²¹⁸ Districts must post about their cross-district open enrollment option on their websites. Students are selected through a randomized lottery when a school or program is oversubscribed. Non-resident students and their siblings who are already enrolled will receive preference in student selection. However, the state doesn’t stop school districts from denying applicants based on their ability or disability. Unselected students are placed on a waiting list in case any selected students choose not to enroll in the program. The Badger State also has a voluntary within-district open enrollment option. The school board can give preference to transfer applicants who are inside the same school district. While school districts are not required to inform rejected applicants why they were denied in writing, rejected applicants can appeal their denials to the Department of Public Instruction.²¹⁹

Although districts are not required to post their available capacity on their websites, the SEA provides thorough reports about open enrollment, including the number of transfer students and the reason transfer applications were rejected.²²⁰ Also, Wisconsin does not permit districts to charge tuition to transfer students. Wisconsin’s student funding mechanism is cutting edge, allowing all education dollars to follow each transfer student regardless of where they go to school.²²¹

²¹⁸ Jude Schwalbach, “Wisconsin’s K-12 open enrollment program is working for rural school districts,” Reason Foundation, Commentary, February 2, 2024, www.reason.org/commentary/wisconsins-k12-open-enrollment-working-rural-urban-school-districts/ (accessed 27 August 2024).

²¹⁹ Wisconsin State Legislature, 118.51, www.docs.legis.wisconsin.gov/statutes/statutes/118/51; (accessed 1 July 2024); Wisconsin State Legislature, 118.57, www.docs.legis.wisconsin.gov/statutes/statutes/118/57 (accessed 1 July 2024); Wisconsin Department of Instruction, Public School Open Enrollment, www.dpi.wi.gov/open-enrollment (accessed 1 July 2024); Will Flanders, “K-12 open enrollment in Wisconsin: Key lessons for other states,” Reason Foundation, February 9, 2023, www.reason.org/policy-brief/k-12-open-enrollment-in-wisconsin-key-lessons-for-other-states/ (accessed 1 July 2024).

²²⁰ Wisconsin Department of Public Instruction, Open Enrollment Data and Reports, www.dpi.wi.gov/open-enrollment/data (accessed 1 July 2024); Aaron Garth Smith, “Improving K-12 open enrollment transparency is low-hanging fruit for state policymakers,” Reason Foundation, Commentary, November 15, 2022, www.reason.org/commentary/improving-k-12-open-enrollment-transparency-is-low-hanging-fruit-for-state-policymakers/ (accessed 1 July 2024).

²²¹ Aaron Smith, Christian Barnard, Jordan Campbell, “Public education funding without boundaries: How to get K-12 dollars to follow open enrollment students,” Reason Foundation, January 24, 2023, www.reason.org/policy-brief/public-education-funding-without-boundaries-how-to-get-k-12-dollars-to-follow-open-enrollment-students/ (accessed 1 July 2024).

Wisconsin scored 80 points, a grade of B-, ranking 9th overall with South Dakota. By adopting statewide within-district open enrollment, the Badger State could improve its grade to an A.

Wisconsin policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in within-district open enrollment.
- Make public schools open to all students regardless of their ability or disability.
- Require districts to post their available capacity by grade level and all open enrollment policies and procedures on their websites.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	4
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	80
Final Grade	B-

WYOMING'S OPEN ENROLLMENT POLICY GETS A FAILING GRADE.



Wyoming permits voluntary cross-district open enrollment if the school district's Board of Trustees decides that attendance in the receiving district is more convenient or desirable because of services available in the receiving district.

However, the receiving district does not have to admit transfer students if their admission would cause overcrowding. State law doesn't stop school districts from denying applicants based on their abilities or disabilities.²²² The state code also permits voluntary within-district open enrollment, but participation is at the discretion of each district.²²³

The Equality State does not require districts to post their available capacity, although they are encouraged to post any pertinent student-level data on their website. The SEA does not collect and publish important open enrollment data. Districts can charge transfer students tuition. Rejected applicants are not guaranteed an appeal process to a non-district entity, and school districts are not required to inform rejected applicants why they were denied in writing.

Wyoming scored 35 points—an F—ranking 25th overall with seven other states. By adopting statewide cross- and within-district open enrollment, the Equality State could improve its grade to C.

Wyoming policymakers can improve their open enrollment options in three main ways:

- Require all districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of ability or disability.

²²² Wyoming Statutes Title 21. Education § 21-4-502. Attendance in another district when convenient or desirable; admission of pupils resident in other districts; attendance for ADM computations specified, www.codes.findlaw.com/wy/title-21-education/wy-st-sect-21-4-502.html (accessed 1 July 2024).

²²³ Wyoming Statutes Title 21. Education § 21-4-301. Schools to be free and accessible to all children; minimum school year, www.codes.findlaw.com/wy/title-21-education/wy-st-sect-21-4-301.html#:~: (accessed 1 July 2024).

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	35
Final Grade	F

PART 6

OTHER CONSIDERATIONS FOR POLICYMAKERS

In addition to the best open enrollment practices recommended in this study, policymakers should consider four other issues: transfer student funding, capital funding, transportation, and students with disabilities.²²⁴

6.1

PORTABLE FUNDING

As strong open enrollment laws increase student mobility, state policymakers should ensure that education dollars are portable. Ideally state and local education dollars should follow students to their new school. This provides school districts with a strong fiscal incentive to enroll transfer students. States should emulate Wisconsin's funding mechanism for transfer students, which ensures that school districts receive a single statewide base per-pupil amount.²²⁵ During the 2023-24 school year, this amount was \$8,618 for regular transfers and \$13,470 for students with disabilities.²²⁶ This uniform amount makes the transfer process transparent and establishes clear fiscal incentives for school districts.

²²⁴ Schwalbach, "The Hidden Role of K-12 Open-Enrollment Policies in U.S. Public Schools."

²²⁵ Aaron Garth Smith, Christian Barnard, Jordan Campbell, "Public education funding without boundaries: How to get K-12 dollars to follow open enrollment students," Reason Foundation, Policy Brief, January 24, 2023, www.reason.org/policy-brief/public-education-funding-without-boundaries-how-to-get-k-12-dollars-to-follow-open-enrollment-students/ (accessed 1 July 2024).

²²⁶ Wisconsin Department of Public Instruction, "Open Enrollment Funding," www.dpi.wi.gov/open-enrollment/funding (accessed 1 July 2024).

“

Ideally state and local education dollars should follow students to their new school.

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On the other hand, funding mechanisms that lack transparency can discourage districts from participating in open enrollment, especially if funding amounts aren't uniform since districts feel short-changed. For instance, Ohio's new funding formula exchanged a uniform base amount, valued at approximately \$6,000 per pupil, for a percentage of the base amount. Since this change occurred in 2022, Fordham Institute reported that the number of cross-district transfers declined by nearly 6,000 students or 7%, even though program participation had steadily increased between 2015 and 2021. School districts have pointed to the state's opaque funding mechanism and lower transfer amounts as deterrents for participating in open enrollment.²²⁷

6.2

FUNDING CAPITAL PROJECTS

Another policy area to consider is traditional methods of funding capital projects, i.e., local levies and bonds. As K-12 education becomes increasingly untethered from the location of students' homes, these funding levers may not be as reliable as they were previously. Gaining voter approval for local bonds and levies can be challenging since school districts have to gain support not just from school parents, but also community members whose children have graduated or who don't have children. This task becomes more difficult when open enrollment weakens school districts' geographic monopolies since they also have to convince local parents who send their children to other schools. In these situations, taxpayers have little incentive to approve bond funding that doesn't benefit their children. For instance, some school districts in Arizona, Michigan, and Minnesota have failed to pass bonds since many students transfer to other school districts.²²⁸ As more states embrace

²²⁷ Churchill, "Ohio's school funding formula is hurting open enrollment."

²²⁸ Madeleine Parrish, "Open enrollment is complicating Queen Creek's school bond campaign," The Arizona Republic, October 29, 2023, www.azcentral.com/story/news/local/pinal-education/2023/10/29/open-enrollment-complicates-queen-creeks-school-bond-campaign/71229098007/ (accessed 1 July 2024); Mike Wilkinson and Isabel Lohman, "In Michigan, 1 in 4 kids go to school outside district, as choice expands," Bridge Michigan, December 1, 2023, www.bridgemi.com/talent-education/michigan-1-4-kids-go-school-outside-district-choice-expands (accessed 1 July 2024); Gregg Aamot, "A tale of two school districts: How open enrollment is playing out in Greater Minnesota,"

robust education marketplaces with increased student mobility, policymakers should consider alternative funding mechanisms for school districts' capital projects.²²⁹

6.3

TRANSPORTATION

Policymakers also need to rethink how to make schools more accessible to transfer students. A 2020 EdChoice report showed that 44 states do not require school districts to provide public funding to pay for non-resident students' transportation.²³⁰ Oftentimes, the onus of transporting transfer students is placed fully on parents. In some states, such as Colorado, school districts can stop other districts from transporting transfer students across their boundaries. This often limits open enrollment participation to students whose families can afford to drive them to and from pick-up locations inside the receiving school district.²³¹ Accordingly, state policymakers should consider policies that ensure that school districts aren't stopped from transporting transfers across district boundaries.



Policymakers also need to rethink how to make schools more accessible to transfer students.



Moreover, they should also weaken policies that prevent school districts from investing in alternative transportation options that are more nimble than traditional yellow school buses, such as passenger vans.²³² Some states, such as Florida and Wisconsin, provide stipends—most recently valued at \$750 per household and \$1,218.54 per student, respectively—to cross-district transfers to pay for transportation costs.²³³ While this is a step

MinnPost, July 7, 2019, www.minnpost.com/economic-vitality-in-greater-minnesota/2019/07/a-tale-of-two-school-districts-how-open-enrollment-is-playing-out-in-greater-minnesota/ (accessed 1 July 2024).

²²⁹ Schwalbach, "The Hidden Role of K–12 Open-Enrollment Policies in U.S. Public Schools."

²³⁰ Michael Q. McShane and Michael Shaw, "Transporting school choice students," EdChoice, 2020, www.edchoice.org/wp-content/uploads/2020/03/Transporting-School-Choice-Students-by-Michael-Q-McShane-and-Michael-Shaw.pdf (accessed 1 July 2024).

²³¹ Ragland and Hulse, "Open Doors, Open Districts."

²³² Schwalbach, "The Hidden Role of K–12 Open-Enrollment Policies in U.S. Public Schools."

²³³ Florida House of Representatives, HB 5101; Florida House of Representatives, HB 5001; Wisconsin Department of Public Instruction, "Open enrollment transportation and transportation reimbursement," www.dpi.wi.gov/open-enrollment/applications/transportation (accessed 1 July 2024).

in the right direction, stipend amounts are often small and only cover a fraction of a transfer's transportation costs.

6.4

STUDENTS WITH DISABILITIES

Lastly, policymakers should ensure that state anti-discrimination laws are enforced. Although five states' open enrollment laws clearly state that school districts cannot discriminate against students with disabilities, this provision is not always enforced since most school districts artificially cap program participation for students with disabilities. For instance, reports from Arizona found that school districts deny transfer applicants with disabilities despite the prohibition in state law.²³⁴ In Wisconsin, school districts reject transfer applicants with disabilities at higher rates than students without them. In these situations, school districts' admissions operate at a lower bar than charter schools', which must admit all applicants.²³⁵

However, some states have strengthened their open enrollment laws to make school districts' admittance procedures fair. In Idaho, "Chief Deputy Superintendent Ryan Cantrell warned district leaders to 'be very careful if you try to define capacity for special education programs.' [Since] doing so could lead to a policy that unintentionally discriminates against students with disabilities," *Idaho Education News* reported last year.²³⁶ In Oklahoma, a new law requires school districts to report detailed transfer data about students with disabilities to the State Department of Education. Not only are these data published annually, but 10% of school districts' approvals and denials for students with disabilities are randomly audited. If the state discovers inaccuracies, then the school district must comply with its recommendations.²³⁷ These examples illustrate how even states with strong open enrollment laws can still improve them.

²³⁴ Schwalbach, "Examining every state's open enrollment policies."

²³⁵ Schwalbach, "The Hidden Role of K-12 Open-Enrollment Policies in U.S. Public Schools."

²³⁶ Carly Flandro, "Open enrollment: a law that won lofty praise but will likely have little impact," *Idaho Education News*, April 13, 2023, www.idahoednews.org/top-news/open-enrollment-a-law-that-won-lofty-praise-but-will-likely-have-little-impact/ (accessed 1 July 2024).

²³⁷ Oklahoma State Legislature, HB 3386.

PART 7

CONCLUSION

Three states significantly improved their open enrollment laws during the 2024 legislative sessions. Oklahoma adopted statewide within-district open enrollment, increasing the total number of states with this policy to 14. Furthermore, Nebraska fully adopted Reason Foundation’s recommendations for a robust open enrollment appeals process. Lastly, Indiana made public schools free to all students, bringing the total number of states that do so to 27. To date, 16 states have strong cross-district open enrollment laws.

However, no states adopted Reason Foundation’s best practices regarding statewide cross-district open enrollment, making public schools open to all students regardless of ability or disability, and transparent district and SEA reporting. Despite the legislative victories this year, only three states, California, Nebraska, and West Virginia have a strong appeals process for rejected applicants. Similarly, only three states—Oklahoma, Kansas, and Wisconsin—require their SEAs to publish annual reports on open enrollment that include the number of transfer students, the number of rejected applicants, and why their applications were denied.²³⁸ As a result, these two metrics are the most common weakness in open enrollment policies nationwide.

²³⁸ Jude Schwalbach, “Transparent open enrollment reports help parents and taxpayers hold public schools accountable,” Reason Foundation, Commentary, July 22, 2024, www.reason.org/commentary/transparent-open-enrollment-reports-help-parents-taxpayers-hold-public-schools-accountable/ (accessed 23 July 2024); Smith, “Improving K-12 open enrollment transparency is low-hanging fruit for state policymakers;” Schwalbach, “Transparent K-12 open enrollment data matters to parents, policymakers and taxpayers.”

APPENDIX

ACTIVE OPEN ENROLLMENT PROPOSALS DURING THE 2024 LEGISLATIVE SESSIONS

State	Bill Number	Sponsor	Bill affects Reason's metrics (Y/N)	Details of proposed change	Points affected	Potential effect on score
Arizona	HB 2311	Rep. Grantham, Travis (012)	N			
California	AB 0237	Rep. Wallis, Greg (047); Rep. Hoover, Josh (007)	N			
California	AB 1408	Rep. Wallis, Greg (047)	N			
California	AB 2351	Assemb. Lowenthal, Josh (069)	N			
California	SB 0897	Sen. Newman, Josh (29)	N			
Colorado	HB 24-1361	Rep. Frizell, Lisa (045)	Y	Post policies and procedures online (4); report number of transfers (1), report sent to education committees, governor, State Board of Education	+5	92
Colorado	HCR 24-1003	Rep. Weinberg, Ron (051)	N			
Florida	CS/SB 7004	Committee, Education Pre-K -12	N			
Florida	HB 5101	Rep. Tomkow, Josie (039)	N			
Florida	SB 1598	Sen. Torres, Victor M., Jr. (25)	N			
Georgia	SB 0147	Sen. Still, Shawn (48); Sen. Dolezal, Greg (37); Sen. Robertson, Randy (29); Sen. Anavitarte, Jason (31); Sen. Dixon, Clint (45); Sen. Anderson, Lee (24); Sen. Hickman, Billy (04); & Sen. Gooch, Steve (51)	N			
Idaho	HB 0763	Appropriations Committee	N			
Indiana	HB 1380	Rep. Behning, Robert (091)	Y	Prohibits tuition (10)	+10	53

State	Bill Number	Sponsor	Bill affects Reason's metrics (Y/N)	Details of proposed change	Points affected	Potential effect on score
Iowa	HF 0072	Rep. Fisher, Dean C. (053)	N			
Iowa	HF 0429	Committee, Education	N			
Iowa	HF 2076	Rep. Rinker, Matt (099)	N			
Iowa	HF 2172	Rep. Mohr, Gary (093)	Y	Establishes appeals (1)	+1	67
Iowa	HF 2198	Rep. Mohr, Gary (093)	N			
Iowa	HF 2278	Rep. Jones, Megan (006); Rep. Thompson, Phil (048)	N			
Iowa	HF 2543	Gov. Reynolds, Kim	N			
Iowa	HF 2547	Committee, Education	N			
Iowa	HF 2612	Committee, Education	N			
Iowa	SF 0247	Committee, Education	N			
Iowa	SF 0302	Sen. Driscoll, Dawn (046)	N			
Iowa	SF 0485	Committee, Education	N			
Iowa	SF 2011	Sen. Cournoyer, Chris (035)	Y	Establishes appeals (1)	+1	67
Iowa	SF 2190	Committee, Education	N			
Iowa	SF 2368	Gov. Reynolds, Kim	N			
Iowa	SF 2435	Committee, Appropriations	Y	Establishes appeals (1)	+1	67
Kansas	HB 2271	Rep. Johnson, Timothy (038)	N			
Kansas	HB 2514	Rep. Bryce, Ron (011); Rep. Clifford, Bill (122); Rep. Delperdang, Leo (094); Rep. Droge, Duane (013); Rep. Goetz, Jason (119); Rep. Williams, Kristey (077); Rep. Bergquist, Emil (091); Rep. Blew, Tory (3); Rep. Blex, Doug (012); Rep. Bloom, Lewis "Bill" (064)	N			
Kansas	HB 2718	Rep. Osman, Dan (048); Rep. Featherston, Linda (016); Rep. Highberger, Boog (046); Rep. Hoyer, Jo Ella (017); Rep. McDonald, Nikki (049); Rep. Meyer, Heather (029); Rep. Neighbor, Cindy (018); Rep. Ruiz, Susan (023); Rep. Sawyer Clayton, Stephanie (019); Rep. Stogsdill, Jerry (021); Rep. Vaughn, Lindsay (022); Rep. Woodard, Brandon (108); Rep. Xu, Rui (025); Rep. Younger, David (124)	Y	Weakens existing policy, making cross-district open enrollment voluntary	-30	58
Kansas	SB 0387	Committee, Education	N			
Kansas	SB 0475	Committee, Federal and State Affairs	Y	Weakens existing policy, making cross-district open enrollment voluntary	-30	58
Kentucky	SB 0210	Sen. West, Stephen (27)	Y	Can't deny applicants based ability or disability (5); can't discriminate based on address (40?); policies must be posted on district website (2); prohibition against tuition (10); capacity by grade level must be posted (2); appeals process (1); SEA reports (4)	+69	99
Mississippi	HB 0867	Rep. Owen, Jansen (106)	Y	SEA reports number of transfers (1); prohibits tuition (10)	+11	51
Mississippi	HB 0905	Rep. Felsner, Kevin W. (117)	N			

State	Bill Number	Sponsor	Bill affects Reason's metrics (Y/N)	Details of proposed change	Points affected	Potential effect on score
Mississippi	HB 1452	Rep. Roberson, Rob (043)	Y	Statewide cross-district open enrollment (30); appeals process (1); prohibits tuition (10)	+41	81
Mississippi	SB 2234	Sen. Johnson, Chris (045)	Y	Statewide cross-district open enrollment (30); prohibits tuition (10)	+40	80
Mississippi	SB 2235	Sen. Younger, Charles (017)	N			
Mississippi	SB 2691	Sen. DeBar, Dennis, Jr. (43)	Y	Prohibits tuition (10)	+10	50
Missouri	HB 1757	Rep. Pollitt, Brad (052)	N			
Missouri	HB 1989	Rep. Pollitt, Brad (052)	Y	Prohibits denials based on ability or disability (5); denied applicants informed in writing and appeals process (2)	+7	42
Missouri	SB 1051	Sen. Trent, Curtis (20)	Y	Prohibits denials based on ability or disability (5); policies and procedures posted online (2); denied applicants informed in writing (1)	+6	41
Nebraska	LB 0550	Sen. Ballard, Beau (21)	Y	Statewide within-district open enrollment (10)	+10	92
Nebraska	LB 1230	Sen. Wayne, Justin (013)	N			
Nebraska	LB 1329	Sen. Murman, Dave (038)	Y	Established appeals and written notification of denied applicants (2)	+2	
Nebraska	LB 1398	Sen. Murman, Dave (038)	N			
Nebraska	LR 0320	Sen. Conrad, Danielle (46)	N			
New Hampshire	HB 1516	Rep. See, Alvin (026)	N			
New Jersey	AB 0531	Assemb. Barranco, Chris (025)	N			
New York	AB 8133	Assemb. Smullen, Robert (118)	N			
New York	SB 8902	Sen. Oberacker, Peter (51)	N			
North Carolina	HB 0793	Rep. Bradford, John R., III (098); Rep. Chesser, Allen (025)	Y	Statewide within-district open enrollment (10); policies and procedures and available capacity by grade level (4); non-district appeals (1)	+20	20
Ohio	SB 0168	Sen. Reynolds, Michele (03)	N			
Ohio	SB 0208	Sen. Roegner, Kristina D. (27)	N			
Oklahoma	HB 3048	Rep. Boles, Brad (051); Sen. Garvin, Jessica (43)	N			
Oklahoma	HB 3386	Rep. McCall, Charles (022); Rep. Caldwell, Chad (040); Sen. Treat, Greg (047)	Y	Statewide within-district open enrollment (10)	+10	99
Oklahoma	HB 3496	Rep. West, Tammy (084)	N			
Oklahoma	HB 3915	Rep. Caldwell, Chad (040)	N			
Oklahoma	HB 3916	Rep. Caldwell, Chad (040)	N			
Oklahoma	SB 0956	Sen. Jech, Darcy (26)	N			
Oklahoma	SB 1554	Sen. Garvin, Jessica (43)	N			
Oklahoma	SB 1651	Sen. Pederson, Roland (19)	N			
Oklahoma	SB 1910	Sen. Treat, Greg (47)	N			
Oklahoma	SB 1911	Sen. Treat, Greg (47)	N			
Rhode Island	SB 2053	Sen. Deluca, Anthony (029); Sen. Raptakis, Lou (033); Sen. Paolino, Thomas (017); Sen. Rogers, Gordon (021); Sen. de la Cruz, Jessica (023); Sen. Burke, John (009)	Y	Must post policies and procedures online (2); statewide cross-district open enrollment	+32	77

State	Bill Number	Sponsor	Bill affects Reason's metrics (Y/N)	Details of proposed change	Points affected	Potential effect on score
South Carolina	HB 3843	Rep. Erickson, Shannon S. (124)	Y	Written explanation of denial (1); transparent SEA reports (4); must post policies and procedures (2)	+7	43
South Carolina	SB 0315	Sen. Loftis, Dwight A. (06)	Y	Must post policies and procedures online (2)		
Tennessee	HB 0959	Rep. Slater, William (035)	Y	Must post policies and procedures online (2); must explain denials to applicants (1); statewide cross-district open enrollment	+33	82
Tennessee	HB 1130	Rep. Gant, Ron (094)	Y	Statewide cross-district open enrollment (30)	+30	79
Tennessee	HB 2609	Rep. Stevens, Robert (013)	N			
Tennessee	SB 0973	Sen. Powers, Bill (22)	Y	Must post policies and procedures online (2); must explain denials to applicants (1); statewide cross-district open enrollment (30)	+33	82
Tennessee	SB 1419	Sen. Roberts, Kerry (23)	Y	Statewide cross-district open enrollment (30);	+30	79
Tennessee	SB 2667	Sen. White, Dawn (13)	N			
Utah	HB 0341	Rep. Brammer, Brady (054)	N			
Vermont	HB 0209	Rep. Sibilila, Laura (127)	Y	Prohibits tuition (10)	+10	58
Virginia	HB 0659	Rep. Ballard, Jason S. (042)	N			
Virginia	HB 0842	Rep. Austin, Terry L. (037)	N			
Virginia	SB 0552	Sen. Peake, Mark J. (08)	Y	Statewide cross-district open enrollment (60); policies and procedures must be posted online (2); no tuition (10)	+72	77
West Virginia	HB 5563	Rep. Clark, Wayne (099); Rep. Crouse, Kathie(019); Rep. Cannon, Jared (021); Rep. Willis, Jimmy (003); Rep. Maynor, Jordan (041); Rep. Bridges, Jordan (024); Rep. Holstein, Josh (032)	N			
Wisconsin	AB 0644	Representatives Penterman, Melotik, Brandtjen, Dittrich, Donovan, Goeben, S. Johnson, Kitchens, Michalski, Murphy, O'Connor, Rettinger and Rozar;	N			
Wisconsin	AB 0680	Rep. Wittke, Robert (062); Rep. Brandtjen, Janel (022); Rep. Brooks, Robert (060); Rep. Dittrich, Barbara (038); Rep. Goeben, Joy L. (005); Rep. Penterman, William (037); Rep. Sortwell, Shae A. (002); Rep. Wichgers, Chuck (082); Rep. O'Connor, Jerry (052)	N			
Wisconsin	SB 0605	Sen. Knodl, Daniel (08)	N			
Wisconsin	SB 0653	Sen. Stroebel, Duey (20); Sen. Cabral-Guevara, Rachel (19); Sen. Felzkowski, Mary (12); Sen. Jagler, John (13); Sen. Marklein, Howard L. (17); Sen. Nass, Steve L. (11); Sen. Quinn, Romaine R. (25); Sen. Wanggaard, Van H. (21)	N			

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