

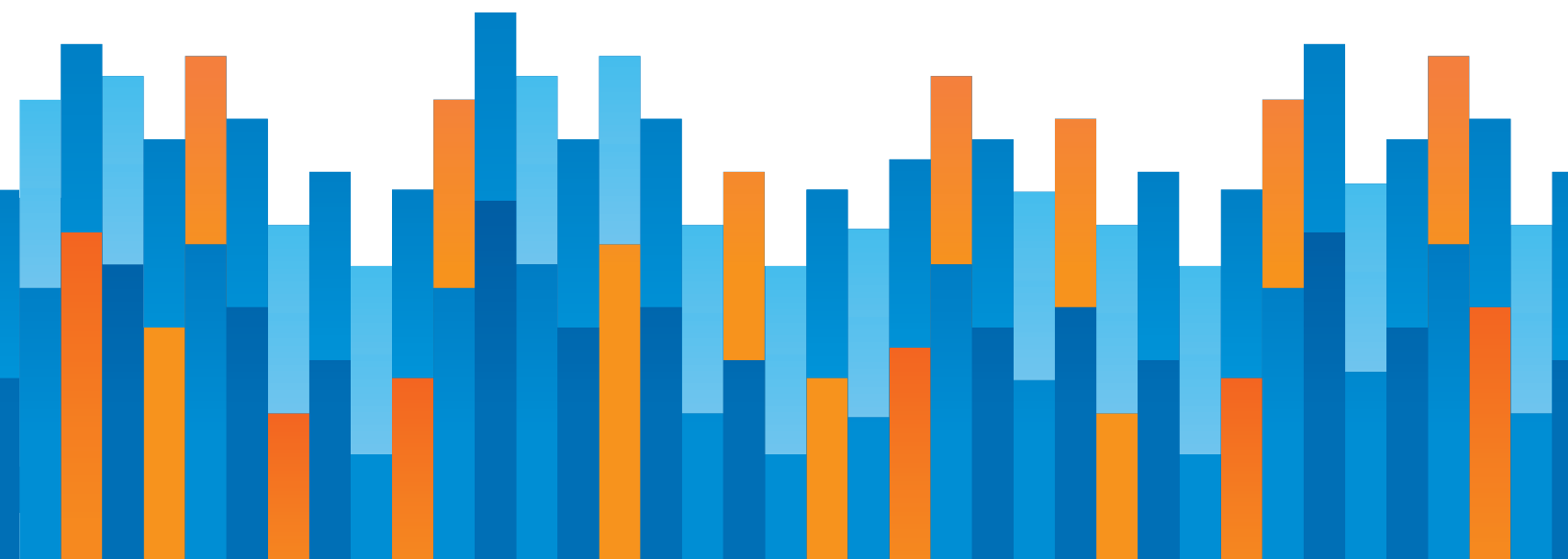


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PUBLIC SCHOOLS WITHOUT BOUNDARIES 2026: RANKING EVERY STATE'S K-12 OPEN ENROLLMENT POLICIES

by Jude Schwalbach

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PART 1

INTRODUCTION

K-12 open enrollment allows students to transfer to public schools other than their residentially assigned one, provided space is available. School parents widely support this policy. Polling from December 2025 by YouGov showed that 74% of K-12 parents supported open enrollment policies. Moreover, 50% of all Americans stated that these policies would have a positive impact on the nation's overall education system.¹ Open enrollment policies can help many students find schools that are the right fit for them. Strengthening these policies would be a significant boon to the 49.4 million students enrolled in public schools in all 50 states.²

¹ Yes. every kid. Foundation, "New National Poll Shows Americans Demand More Family-First K-12 Education," December 15, 2025, www.yeseverykidfoundation.org/new-national-poll-shows-americans-demand-more-family-first-k-12-education/ (accessed 1 May 2026).

² Reason Foundation, "Examining the latest K-12 public school enrollment data and trends," June 26, 2025, www.reason.org/commentary/latest-k-12-public-school-enrollment-data-trends/ (accessed 1 May 2026); National Center for Education Statistics, "Table 203.20. Enrollment in public elementary and secondary schools, by region, state, and jurisdiction: Selected years, fall 1990 through fall 2024," 2026, www.nces.ed.gov/programs/digest/d25/tables/dt25_203.20.asp (accessed 1 June 2026).

But 39.4 million students, or 80% of students enrolled in public schools, reside in states with weak or ineffective open enrollment laws.³ Only 16 states had strong open enrollment laws in 2025.⁴ However, four states—Iowa, Nebraska, South Carolina, and Vermont—improved their open enrollment programs in 2026. At the same time, policymakers in 17 states considered at least 36 bills that would have improved open enrollment laws if codified. This study updates Reason Foundation’s annual ratings and rankings of states’ open enrollment laws, highlights the latest open enrollment research, and provides other developments related to open enrollment.

³ Ibid.

⁴ Jude Schwalbach, “Public Schools without Boundaries 2025,” Reason Foundation, Policy Study, October 2, 2025, www.reason.org/open-enrollment/public-schools-without-boundaries-2025/ (accessed 4 May 2026).

PART 2

NEW RESEARCH ON K-12 OPEN ENROLLMENT

Reason Foundation's previous reports on open enrollment included the latest research examining its benefits, common weaknesses in states' policies, and the latest data available from states with open enrollment policies.⁵ Since then, education researchers have published new studies on the topic. This section reviews the latest open enrollment data available, discusses how the policy benefits students, explains barriers to good policy, and shows how many states' and districts' open enrollment data and practices lack transparency.

2.1

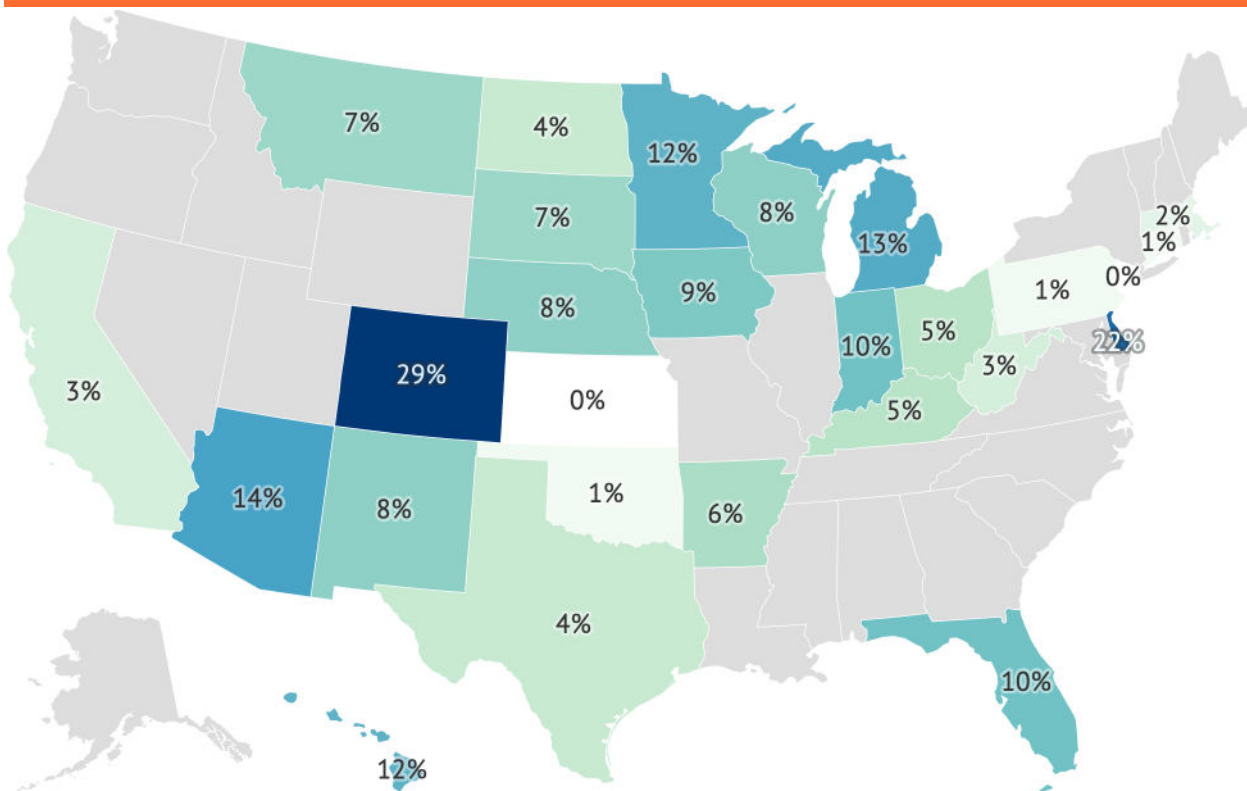
NEW DATA ON OPEN ENROLLMENT PARTICIPATION

A Reason Foundation analysis of 27 states published in *Education Next* found that more than 1.7 million students used open enrollment to attend schools other than their assigned

⁵ Jude Schwalbach, "Public Schools Without Boundaries: Ranking every state's K-12 open enrollment policies," Reason Foundation, Policy Study, November 3, 2022, www.reason.org/open-enrollment/public-schools-without-boundaries-a-50-state-ranking-of-k-12-open-enrollment/ (accessed 4 May 2026); Jude Schwalbach, "Examining every state's open enrollment policies," Reason Foundation, Policy Study, October 26, 2023, www.reason.org/open-enrollment/public-schools-without-boundaries-2023/ (accessed 4 May 2026); Jude Schwalbach, "Public Schools without Boundaries 2024" Policy Study October 29, 2024, www.reason.org/open-enrollment/2024-public-schools-without-boundaries/ (accessed 4 May 2026); Schwalbach, "Public Schools without Boundaries 2025."

ones.⁶ When comparing states, Florida and Texas had the most open enrollment participants, while Colorado and Delaware had the highest participation rates overall.

FIGURE 1: PERCENTAGE OF TRADITIONAL PUBLIC SCHOOL STUDENTS PARTICIPATING IN OPEN ENROLLMENT BY STATE

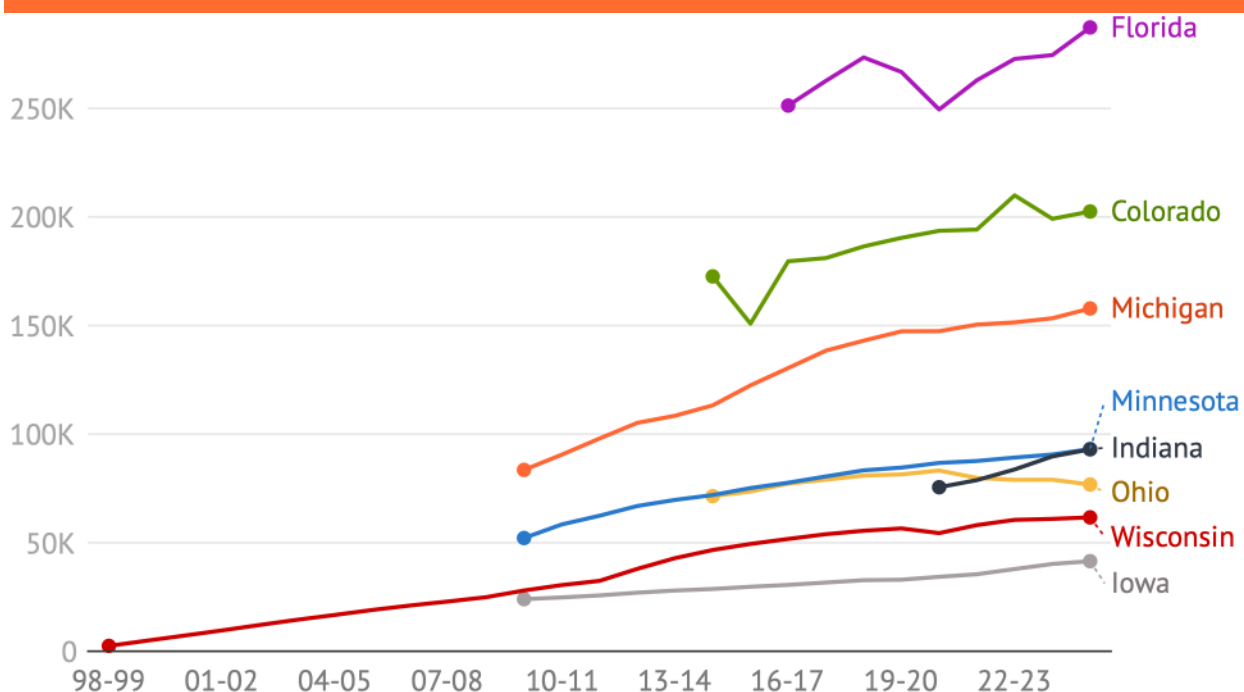


Washington, D.C., not shown in the map, hosts the most open enrollment participants, accounting for 41% of students enrolled in public schools.

Moreover, this analysis also reviewed year-over-year data from 14 states. Data from the eight states with the largest programs (40,000 or more participants) that included five or more years of consecutive data showed that open enrollment programs tend to scale up gradually with time, as shown in Figure 2.

⁶ Jude Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones," *Education Next*, February 18, 2026, www.educationnext.org/many-families-choose-public-schools-other-than-their-assigned-ones-analysis-open-enrollment-choice/ (accessed 4 May 2026); Washington, D.C., not shown in Figure 1, hosts the largest percentage of open enrollment participants, who account for 41% of students (more than 41,000 pupils) enrolled the jurisdiction's public schools."

FIGURE 2: PARTICIPATION INCREASES IN K-12 OPEN ENROLLMENT PROGRAMS, HOSTING AT LEAST 40,000 STUDENTS OVER FIVE OR MORE CONSECUTIVE YEARS



On the other hand, data from states with smaller programs were less consistent. While Massachusetts', New Mexico's, and South Dakota's data showed limited increases in open enrollment programs, participation remained flat in Connecticut and North Dakota, and declined in Hawaii. In some of these cases, weak policy design, such as participation caps, could contribute to lower participation rates.⁷

Additionally, research finds that open enrollment programs don't cause fluctuations in enrollment. A 2026 Show-Me Institute report finds that cross-district open enrollment in Colorado, Kentucky, Oklahoma, Tennessee, and Wisconsin did not lead to public school enrollment volatility. Similarly, launching these programs did not result in mass migrations of students from unpopular districts to more popular ones. Moreover, these programs' launches were not associated with school or district closures, except in Wisconsin's case where school closures spiked during the first year of implementation. However, the authors noted that this effect "dissipated quickly and is not replicated in other states."⁸ Overall, this

⁷ Jude Schwalbach, "Strengthening open enrollment laws is key to unlocking public school choice for kids," Reason Foundation, Commentary, May 29, 2025, www.reason.org/commentary/open-enrollment-laws-key-to-public-school-choice/ (accessed 4 May 2026).

⁸ Avery Frank, Patrick Johann, and Cory Koedel, "Would interdistrict open enrollment disrupt Missouri school districts?" Show-Me Institute, Report, March 2026, www.showmeinstitute.org/publication/education/would-

continues to show that open enrollment programs don't result in significant enrollment fluctuations, giving districts that lose students time to adjust.

2.2 OPEN ENROLLMENT BENEFITS STUDENTS

Continuing trends from previous years, students participating in Arizona's and Arkansas' student transfer programs tended to transfer to school districts that were ranked higher by the state, according to Reason Foundation research.⁹ In Arizona, 94% of cross-district transfers enrolled in districts rated as A or B, and in Arkansas 66% of cross-district transfers enrolled in districts rated as A or B. Overall, about 115,000 students in these states transferred to districts rated as A or B by their SEAs.¹⁰ Arkansas' lower transfer rate to highly rated districts is likely because there are fewer of them in Arkansas than in Arizona. For example, just 40% of Arkansas districts are rated as A or B while 76% of Arizona's districts meet that standard. Similarly, Wisconsin data from the 2024-25 school year showed that lower rated districts lost more than 13,000 students while higher rated districts gained almost the same number of transfers. Moreover, in Wisconsin, for each transfer application received in districts categorized as "meets expectations" or lower (the two lowest tiers), about five students applied to transfer out. Requests to transfer out of higher rated districts occurred at about half of this rate.¹¹

Additionally, an analysis of the five key studies examining the relationship between open enrollment and academic achievement showed that four of them found statistically significant positive results or no effect. Overall, the research showed that the effect of cross-district open enrollment on student achievement was either statistically significant positive results or null results—none were statistically negative. However, the findings related to within-district open enrollment were mixed. While all three studies identified null or statistically significant positive findings, one of them also found statistically

interdistrict-open-enrollment-disrupt-missouri-school-districts/ (accessed 15 June 2026). Reason Foundation research showed that cross-district transfers in Colorado, Kentucky, Oklahoma, and Wisconsin accounted for 8%, 5%, 1%, and 8%, respectively, of public school enrollments.

⁹ Ibid.; Jude Schwalbach, "Students use open enrollment to transfer to highly-rated school districts," Reason Foundation, Funding Education Opportunity Newsletter, May 19, 2026, www.reason.org/education-newsletter/students-use-open-enrollment-to-transfer-to-highly-rated-school-districts/ (accessed May 20 2026).

¹⁰ Ibid.

¹¹ Ibid.

significant negative findings. The negative outcomes were driven by the timing of transfers, especially among elementary students.¹²

2.3

BARRIERS TO OPEN ENROLLMENT

An analysis of Ohio districts' open enrollment policies by Fordham Institute showed many suburban school districts do not permit transfers—disproportionally affecting nearby low-income students residing in Ohio's eight urban centers. Non-resident students often can only access these districts if their families can pay tuition, which cost nearly \$26,000 during the 2024-25 school year in Orange City Schools.¹³ This is consistent with 2024 research showing that the average tuition in 22 Ohio districts was \$11,000 per student.¹⁴ By contrast, Ohio districts that opt into open enrollment participation cannot charge tuition to transfer students.

A report about Colorado's open enrollment program, used by 29% of public school students, found that the open enrollment process isn't always transparent or family-friendly, especially for families for whom English isn't a first language. Moreover, districts' admissions processes often lack uniformity, use varying timelines, and aren't clear about which grades have open seats. These opaque practices make it challenging for parents to make informed decisions, especially when considering multiple applications whose timelines don't align.¹⁵

2.4

MEASURING OPEN ENROLLMENT CAPACITY

An analysis published by Reason Foundation reviewed how 23 states with statewide cross- or within-district open enrollment laws measured capacity. Capacity measurements are important because they determine how many seats are available to non-resident students.

¹² Jude Schwalbach, "The impact of K-12 open enrollment on student achievement," Reason Foundation, Commentary, April 7, 2026, www.reason.org/commentary/the-impact-of-k-12-open-enrollment-on-student-achievement/ (accessed 5 May 2026).

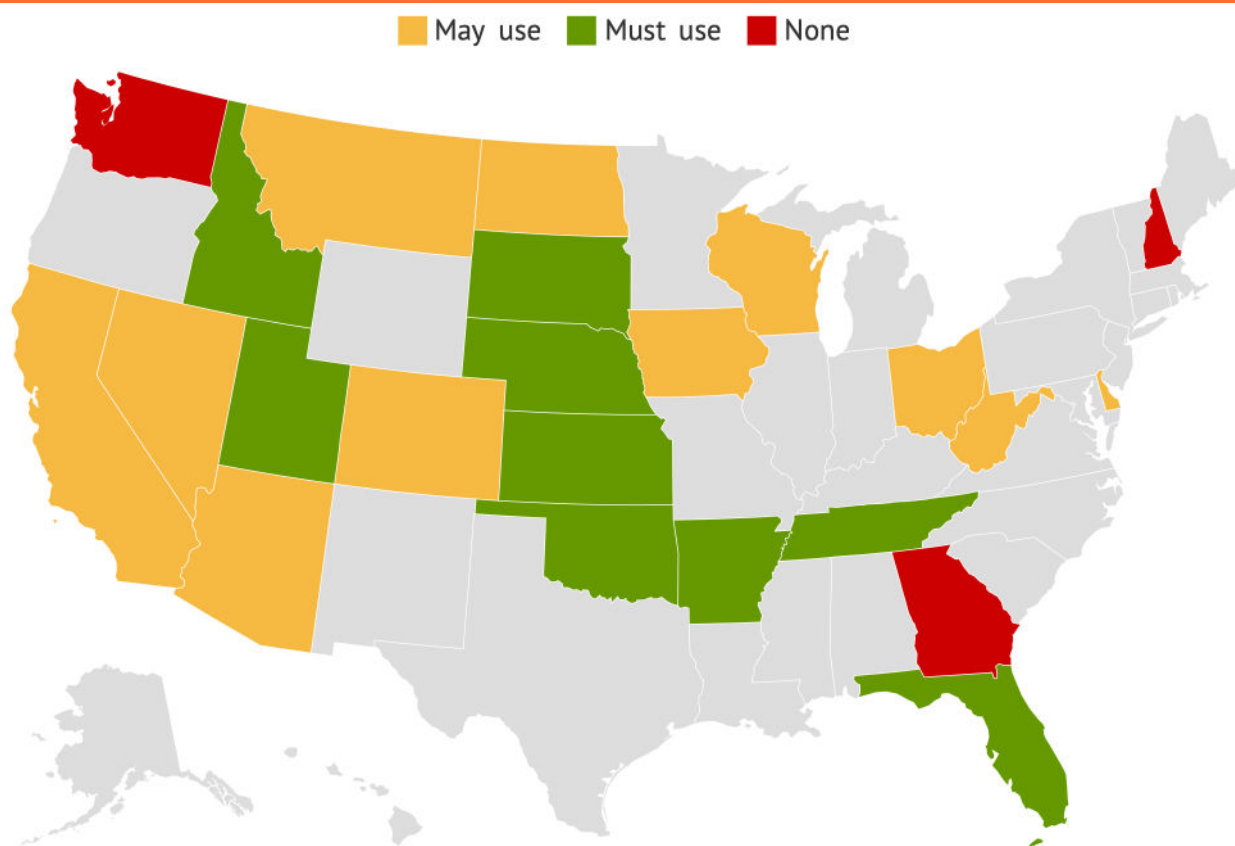
¹³ Stéphane Lavertu, "Ohio's open enrollment system is closed to low-income kids," Thomas B. Fordham Institute, *Ohio Gadfly Daily*, August 6, 2025, www.fordhaminstitute.org/ohio/commentary/ohios-open-enrollment-system-closed-low-income-kids (accessed 5 May 2026).

¹⁴ 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 5 May 2026).

¹⁵ Brenda Dickhoner, Ph.D., "Open doors, open districts II," Ready Colorado, Report, August 26, 2025, www.readycolorado.org/odod2/ (accessed 15 June 2026).

Unfortunately, many states' open enrollment policies fail to standardize capacity metrics, which can lead to inconsistent definitions that unnecessarily limit student transfer opportunities. In nine states, statute outlines one or more factors that districts must consider when calculating capacity, such as building capacity, class size, staffing, student-teacher ratios, program size, or grade level. Even in these cases, state laws generally don't explain the precise methodologies that districts must employ when calculating their available capacity. In 11 states, state laws merely suggest that districts should consider certain factors, such as staffing, when determining their capacity, while three states—Georgia, New Hampshire, and Washington—don't suggest any parameters to districts to use when calculating their capacity. Overall, the most common factors mentioned in state statute to measure capacity were building capacity, class size, grade level, and program capacity.¹⁶

FIGURE 3: COMPLIANCE REQUIREMENTS FOR DETERMINING CAPACITY IN STATES WITH STATEWIDE OPEN ENROLLMENT LAWS



¹⁶ Jude Schwalbach, "How public schools measure capacity for K-12 open enrollment transfers," Reason Foundation, Commentary, January 23, 2026, www.reason.org/commentary/how-public-schools-measure-capacity-k12-open-enrollment/ (accessed 5 May 2026).

2.5

OPEN ENROLLMENT FUNDING

Reason Foundation analyses showed how states can address open enrollment funding. Of the 16 states with strong cross-district open enrollment laws, most have done so without funding provisions—ensuring that open enrollment participants transfer for free. The state funds, which accompany transfers to their receiving districts, are often more than enough to cover the marginal cost of educating students. Because districts have significant discretion in setting their available capacity, they can assess how many students they can add without hiring new staff or building new facilities before reaching a tipping point in costs. Streamlined funding systems, like those in Arizona, Florida, or Arkansas, make launching robust open enrollment programs straightforward.¹⁷

However, in states where funding peculiarities exist, policymakers can adopt policies to circumvent them. For example, for nearly three decades, Wisconsin's policy has provided receiving districts with a uniform per-pupil amount in state aid transfers—approximately \$9,000 for regular students and \$14,000 for students with disabilities during the 2024-25 school year. Since its implementation, Wisconsin's open enrollment program increased from about 2,400 participants during the 1998-99 school year to nearly 62,000 participants during the 2024-25 school year.¹⁸

2.6

SOME DISTRICTS FAIL TO COMPLY WITH STATE TRANSPARENCY REQUIREMENTS

The Sutherland Institute continued its reporting about Utah's school districts' compliance with state law to post their available capacity on their websites. The report found that just 13 out of Utah's 41 districts complied with state code. The report also graded how transparent districts' open enrollment processes were based on a five-part rubric. These best practices included: compliance with state transparency requirements, clearly designating schools open or closed to transfers, posting relevant applications, providing contact information for open enrollment managers, and dedicating a full webpage to open

¹⁷ Aaron Garth Smith, "Open enrollment funding is straightforward for states and schools," Reason Foundation, Commentary, March 24, 2026, www.reason.org/commentary/open-enrollment-funding-is-straightforward-for-states-and-schools/ (accessed 6 May 2026).

¹⁸ Ibid.; Kari Gensler Santistevan, "The Wisconsin Inter-District Public School Open Enrollment Program: A report to the governor and legislature 2024-25," Wisconsin Department of Public Instruction, November 2025, www.dpi.wi.gov/open-enrollment/data (accessed 6 May 2026).

enrollment on district websites. Just nine districts met all five criteria, while 13 districts met four out of the five best practices.¹⁹

2.7

OPEN ENROLLMENT CAN WEAKEN THE EFFECTS OF HOUSING REDLINING

A report by Available to All from 2026 found that school district and attendance zone boundaries in New York continue to replicate housing redlining policies that aimed to segregate neighborhoods and schools in the early twentieth century.²⁰ It identified 14 instances in New York school catchment areas across the New York City metropolitan areas and five other urban areas. In some cases, these attendance zones house some of New York City's elite public schools, excluding students assigned to nearby lower-performing schools.²¹ The authors suggested that strong open enrollment laws and increased transparency can help students access schools that are a better fit.

¹⁹ Christine Cooke Fairbanks and Sydney Willis, "2026 Status of Utah Open Enrollment Policy and Compliance," Sutherland Institute, March 31, 2026, www.sutherlandinstitute.org/2026-status-of-utah-open-enrollment-policy-and-compliance/ (accessed 6 May 2026).

²⁰ Schwalbach, "Public schools without boundaries: Ranking every state's K-12 open enrollment policies."

²¹ Available to All, "And Stay Out," March 2026, www.availabletoall.org/report-and-stay-out/ (accessed 6 May 2025).

PART 3

REASON'S OPEN ENROLLMENT BEST PRACTICES

3.1

OPEN ENROLLMENT BEST PRACTICES

Seven key components characterize robust open enrollment laws. States only receive credit for each metric if it is clearly included in their open enrollment laws.

TABLE 1: 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.

3.2

RANKING AND METHODOLOGY

For the second 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 met.

TABLE 2: 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	
#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		2
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

Using Reason Foundation's best practices checklist as a measure: 16 states have statewide cross-district open enrollment, 17 states have statewide within-district open enrollment, 28 states make public schools free to all students, 12 states make public schools open to all students, four states' SEAs publish annual open enrollment reports, seven states have transparent district reporting, and five states have a strong appeals process. The most common weaknesses in states' open enrollment laws are insufficiently transparent SEA reports. No state fully meets all seven metrics; however, Oklahoma and Arkansas fully meet six out of seven metrics. Only Idaho and Kansas fully meet just five out of seven metrics and only Arizona, California, Florida, Nebraska, Utah, West Virginia, and Wisconsin fully meet just four out of seven metrics.

Based on these metrics, six states—Arkansas, Arizona, Idaho, Oklahoma, Utah, and West Virginia—ranked as “A”, seven states are ranked as “B”, two states are ranked as “C”, two states are ranked as “D”, and 33 states scored an “F.” Table 3 shows each state's grade and ranking in light of Reason's best open enrollment practices.

TABLE 3: STATE-BY-STATE OPEN ENROLLMENT ANALYSIS AS OF 2026

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		
Oklahoma	60	15	10	5	4	4	1	99	A+	1
Arkansas	60	15	10	5	4	2	2	98	A+	2
Idaho	60	15	10	5	2	4	1	97	A+	3
Arizona	60	15	10	3	2	4	1	95	A	4
West Virginia	60	15	10	3	3	2	2	95	A	4
Utah	60	15	10	2	0	4	0	91	A-	5
Florida	60	15	10	0	0	4	0	89	B+	6
Kansas	60	5	10	5	4	4	0	88	B+	7
Colorado	60	15	10	0	0	2	0	87	B+	8
Delaware	60	15	10	0	0	2	0	87	B+	8
Nebraska	60	5	10	5	3	0	2	85	B	9
Wisconsin	60	5	10	0	4	0	2	81	B-	10
South Dakota	60	15	0	3	1	0	1	80	B-	11
Montana	60	5	10	0	2	0	0	77	C+	12
North Dakota	60	5	10	2	0	0	0	77	C+	12
Iowa	60	5	0	0	2	0	0	67	D+	13
California	30	15	10	5	0	0	2	62	D-	14
Washington	30	15	10	0	0	0	1	56	F	15
Georgia	30	15	10	0	0	0	0	55	F	16
Indiana	30	5	10	5	2	0	1	53	F	17

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
Massachusetts	30	5	10	5	1	0	0	51	F	18
Minnesota	30	5	10	5	1	0	0	51	F	18
Ohio	30	15	0	5	1	0	0	51	F	18
Nevada	30	15	0	0	3	2	0	50	F	19
Louisiana	30	5	10	0	1	2	1	49	F	20
Tennessee	30	15	0	0	0	4	0	49	F	20
Vermont	30	5	10	3	1	0	0	49	F	20
Connecticut	30	5	10	0	0	0	0	45	F	21
New Mexico	30	5	10	0	0	0	0	45	F	21
New Hampshire	30	15	0	0	0	0	0	45	F	21
Pennsylvania	30	5	10	0	0	0	0	45	F	21
Rhode Island	30	5	10	0	0	0	0	45	F	21
Mississippi	30	0	10	0	0	0	0	40	F	22
Oregon	30	5	0	5	0	0	0	40	F	22
Hawaii	NA	5	10	0	0	0	0	38	F	23
South Carolina	30	5	0	0	0	1	1	37	F	24
Missouri	30	5	0	0	0	0	1	36	F	25
New Jersey	30	0	0	5	0	0	1	36	F	25
Texas	30	5	0	0	1	0	0	36	F	25
Illinois	30	5	0	0	0	0	0	35	F	26
Kentucky	30	5	0	0	0	0	0	35	F	26
Michigan	30	5	0	0	0	0	0	35	F	26
Wyoming	30	5	0	0	0	0	0	35	F	26
New York	30	0	0	0	0	0	1	31	F	27
Alabama	0	5	0	0	0	0	0	5	F	28
Virginia	0	5	0	0	0	0	0	5	F	28
Alaska	0	0	0	0	0	0	0	0	F	29
Maine	0	0	0	0	0	0	0	0	F	29
Maryland	0	0	0	0	0	0	0	0	F	29
North Carolina	0	0	0	0	0	0	0	0	F	29
Strong policies on the books	16/49	17/50	28/50	12/50	4/50	7/50	5/50			
	33%	34%	56%	24%	8%	14%	10%			

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

Source: Various and including state codes and Available to All's 2024 report "The Broken Promise of Brown v Board of Education: A 50 State Report on Legal Discrimination in Public School Admissions."

PART 4

OPEN ENROLLMENT VICTORIES AND UPDATED STATE SUMMARIES

4.1

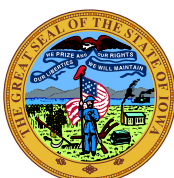
OPEN ENROLLMENT PROPOSALS

In 2026, policymakers in at least 32 states considered 103 proposals related to open enrollment. Eleven proposals aimed to establish statewide cross-district open enrollment, and five proposals aimed to establish statewide within-district open enrollment. Ten proposals aimed to eliminate tuition or fees to transfer students, 10 would have required public schools to be open to all students, and 18 proposals aimed to improve open enrollment transparency at the SEA level and 22 at the district level. Lastly, 11 sought to strengthen an open enrollment appeals process. Notably, five proposals, which would have affected states' scores, passed at least one legislative chamber. Two proposals signed into law significantly improved the open enrollment policies in two states. The Appendix provides an overview of how the various open enrollment proposals would have affected states' scores if codified.

4.2

STATE UPDATES FROM THE 2026 LEGISLATIVE SESSIONS

IOWA MAKES ITS OPEN ENROLLMENT PROGRAM MORE TRANSPARENT.



Governor Kim Reynolds signed House File 2754, introduced by the House Committee on Appropriations. The new law requires school districts to report why rejected transfer applicants were denied to the Iowa Department of Education.²² This improvement boosts Iowa's score by one point per Reason's best practice for Transparent SEA Reports.

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. During the 2024-25 school year, nearly 41,500 students used cross-district open enrollment, or about 9% of students enrolled in traditional public schools.²³

The Hawkeye State permits voluntary within-district open enrollment.²⁴ While the SEA collects data on the number of transfer students and why transfers were denied, it's unclear if the agency collects data on the number of rejected applicants by district. 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

²² The Iowa Legislature, House File 2754, www.legis.iowa.gov/legislation/BillBook?ga=91&ba=HF%202754&v=e, (accessed 15 May 2026).

²³ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

²⁴ Iowa Code 2023, Title VII Education and Cultural Affairs, §279.11, www.legis.iowa.gov/law/iowaCode/sections?codeChapter=279&year=2024 (accessed 1 June 2026).

charged tuition.²⁵ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to five years and fined up to \$7,500.²⁶

Despite improving its open enrollment policy, Iowa scored 67 points, gaining a grade of D+ and ranking 13th overall. If Iowa adopted statewide within-district open enrollment, and made it open and free to all students, it could improve its score to a B+.

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

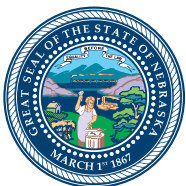
- Require districts to participate in statewide within-district open enrollment.
- Make public schools open to all students, regardless of their ability or disability.
- Make public schools free to all transfer students.

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)	2
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	67
Final Grade	D+

²⁵ Iowa Code 2023, Title VII Education and Cultural Affairs, §282.18 Open Enrollment, www.legis.iowa.gov/docs/code/282.18.pdf (accessed 1 June 2026); Iowa Administrative Code, Education 281, Chapter 17 Open Enrollment, www.legis.iowa.gov/docs/ACO/chapter/281.17.pdf (accessed 1 June 2026); Iowa Department of Education, “Open Enrollment Handbook,” July 1, 2024, www.files-backend.assets.thrillshare.com/documents/asset/uploaded_file/5047/Ccsd/fc116871-75a6-4f50-b80e-13e27257a7b8/Iowa_Open_Enrollment_Handbook.pdf?disposition=inline (accessed 1 June 2026).

²⁶ Tim DeRoche, Hailly T.N. Korman, J.D., and Harold Hinds, “When Good Parents Go to Jail,” Available to All, August 2023, www.availabletoall.org/report-when-good-parents-go-to-jail/ (accessed 1 June 2026).

NEBRASKA STRENGTHENS ITS ADMISSIONS AND TRANSPARENCY.



Nebraska Governor Jim Pillen signed Sen. Murman’s Legislative Bill 653 and the Education Committee’s Legislative Bill 937 into law. The former strengthened the state’s open enrollment law, ensuring that districts automatically approve transfer applicants submitted by siblings of current transfers regardless of capacity limits.²⁷ The latter proposal strengthened state-level transparency provisions, requiring districts to report the number of approved transfer applications by district to the state education agency. These data and all other information related to open enrollment participants must be submitted to the state commissioner of education by June 30th.²⁸ While these new laws don’t affect Nebraska’s score, they improve the state’s open enrollment program, making it more family-friendly and transparent.

Nebraska hosts a statewide cross-district open enrollment program that only rejects transfer students for limited reasons. Students can transfer up to three times between kindergarten and 12th grade. Nebraska law stops school districts from rejecting transfer applicants based on their ability or disability.²⁹ Moreover, the SEA collects important information about transfer students (called “option students” locally), such as the number of transfers, 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.³⁰ The report’s publication is at the discretion of the state legislature.³¹ The latest data showed that 35% of rejected applicants were denied for special-education-related reasons.³² Districts cannot charge transfer students tuition. District must inform rejected applicants why they were denied in writing. Rejected

²⁷ Nebraska Legislature, LB653, www.nebraskalegislature.gov/bills/view_bill.php?DocumentID=59267 (accessed 6 May 2026).

²⁸ Nebraska Legislature, LB937, www.nebraskalegislature.gov/bills/view_bill.php?DocumentID=63153 (accessed 6 May 2026).

²⁹ Nebraska Revised Statutes §79-238. Application acceptance and rejection; specific capacity standards; request for release; standards and conditions, www.codes.findlaw.com/ne/chapter-79-schools/ne-rev-st-sect-79-238/ (accessed 6 May 2026).

³⁰ Nebraska Revised Statute §79-239, www.nebraskalegislature.gov/laws/statutes.php?statute=79-239 (accessed 6 May 2026); Nebraska Revised Statute 79-528, www.nebraskalegislature.gov/laws/statutes.php?statute=79-528 (accessed 6 May 2026).

³¹ Nebraska Department of Education, “Enrollment Option Program,” July 19, 2024, www.education.ne.gov/fos/enrollment-option-application-instructions-faqs/ (accessed 1 June 2026).

³² Jeremy Turley, “Nebraska passes special ed bill without proposed protections for students,” *The74*, April 22, 2026, www.the74million.org/article/nebraska-passes-special-ed-bill-without-proposed-protections-for-students/ (accessed 7 May 2026).

applicants can appeal their denials to a non-district entity.³³ During the 2024-25 school year, nearly 25,000 students used cross-district open enrollment, about 8% of students enrolled in traditional public schools.³⁴

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.³⁵

The Cornhusker State does not have a statewide within-district open enrollment option. Unfortunately, the SEA is not required to publicly publish its annual report. Similarly, school districts are not required to post their available capacity by grade level or their open enrollment policies and procedures on their websites.³⁶

Nebraska scored 85 points—a grade of B—ranking 9th 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.
- Require school districts to post their open enrollment policies and procedures and available capacity by grade level on their websites.
- 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.

³³ Nebraska Revised Statutes, §79-237. Attendance; application, cancellation; forms, www.codes.findlaw.com/ne/chapter-79-schools/ne-rev-st-sect-79-237/ (accessed 6 May 2026).

³⁴ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

³⁵ Nebraska Revised Statute §79-2110, www.nebraskalegislature.gov/laws/statutes.php?statute=79-2110 (accessed 1 June 2026).

³⁶ Public Schools without Boundaries 2025 mistakenly gave Nebraska credit for meeting metric #6 and failed to give it credit for meeting metric #4 and partial credit for metric #5.

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)	3
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	2
Total Points (100)	85
Final Grade	B

SOUTH CAROLINA SHOULD CODIFY ITS OPEN ENROLLMENT REGULATIONS INTO STATE LAW.



The South Carolina Department of Education published model guidelines as required by a 2025 update to state law.³⁷ Districts' open enrollment policies must comply with the agency's regulations, which require districts to admit cross- and within-district transfer applicants until a school reaches 90% of its total capacity. Districts cannot discriminate against applicants based on their abilities or disabilities. Moreover, districts must provide written notifications to denied applicants, explaining why they were rejected. Rejected applicants can appeal their denial to the State Board of Education.³⁸ The regulations also require districts to report the number of transfers, rejected applicants, and reasons for denial to the SEA. Districts must also post their available capacity by grade level, and open enrollment procedures on their websites.³⁹

State law in South Carolina only requires districts to adopt open enrollment policies that align with the model policy provided by the SEA. To date, these regulations are outstanding, but lack the permanence of state law because the regulations could be changed by a future administration.⁴⁰ Consequently, South Carolina's open enrollment policies fall short of Reason Foundation's bar for a statewide policy. If these regulations were codified in statute, then South Carolina's open enrollment score would be 79 points or a C+ grade.

In addition to codifying these regulations in law, the open enrollment data collected by the SEA should be published in an annual report. It's also worth noting that South Carolina doesn't require or facilitate within-district open enrollment. Moreover, the Palmetto State 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.⁴¹ Parents who falsify their address for

³⁷ South Carolina Assembly, 126th Session, 2025-26, S. 62, www.scstatehouse.gov/sess126_2025-2026/bills/62.htm (accessed 1 June 2026).

³⁸ South Carolina Department of Education, "Model Guidelines for a School District Interdistrict Transfer Policy in South Carolina," April 28, 2026, www.ed.sc.gov/newsroom/school-district-memoranda-archive/interdistrict-transfer-model-guidelines/model-guidelines-attachment/ (accessed 7 May 2026).

³⁹ South Carolina Assembly, 126th Session, 2025-26, S. 62.

⁴⁰ Ibid.

⁴¹ 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 June 2026).

unsanctioned student transfers can be incarcerated for up to 30 days and fined up to \$500.⁴²

South Carolina scored 37 points—a grade of F—ranking 24th overall.

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

- Codify the SEA’s open enrollment guidelines in state law.
- Make public schools free to all students.
- Require the SEA to publish an annual report including all open enrollment data collected per the SEA’s guidelines.

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)	1
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	37
Final Grade	F

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

VERMONT'S NEW LAW STRENGTHENS STATE-LEVEL TRANSPARENCY.



Vermont Governor Phil Scott signed House Bill 955, sponsored by the House Committee on Education. The new law requires the state to collect data on the number of students transferring to public schools in districts other than their assigned one, improving state-level transparency. Additionally, the bill clarifies that receiving districts cannot charge non-resident students tuition in excess of the amount paid by the sending district. This reform guarantees that students transfer free of charge.⁴³ Because Vermont already received credit for prohibiting tuition fees, the new law boosts Vermont's score by one point, which now scores 49 points.

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 does not collect data on the number of rejected applicants or why they were denied. The state isn't required to publish the limited data it collects on open enrollment participation. 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.⁴⁴

Vermont scored 49 points—an F—ranking 20th overall, tying with Louisiana and Tennessee.

By adopting cross- and within-district open enrollment, the Green Mountain State could improve its grade to a B+.

⁴³ Vermont General Assembly, H.955, www.legislature.vermont.gov/bill/status/2026/H.955 (accessed 5 June 2026).

⁴⁴ Vermont Statutes Online, 16 V.S.A. §821, 822a, 1222, www.legislature.vermont.gov/statutes/title/16 (accessed 24 June 2026).

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.

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)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	49
Final Grade	F

PART 5

UPDATED OPEN ENROLLMENT LAWS AND PROPOSALS IN THE REMAINING 46 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 TIES 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.⁴⁵ 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.⁴⁶ **Alabama scored only 5 points out of 100 on Reason’s scoresheet and a letter grade of F, tying for 28th 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.

⁴⁵ 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 June 2026).

⁴⁶ 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 June 2026).

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

ALASKA TIES FOR DEAD LAST IN OPEN ENROLLMENT.



Alaska does not have statewide or voluntary cross-district or within-district open enrollment policies.⁴⁷ 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.⁴⁸ 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.

⁴⁷ 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 June 2026).

⁴⁸ 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 June 2026).

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

ARIZONA'S LAW IS THE FOURTH BEST NATIONWIDE.



Arizona requires all districts to participate in statewide cross-district and within-district open enrollment.⁴⁹ 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 2024-25 school year, nearly 111,000 Arizona students used open enrollment, approximately 92% of them being cross-district transfers. Overall, about 14% of students enrolled in public schools used open enrollment during that school year.⁵⁰

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.⁵¹

⁴⁹ 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 June 2026).

⁵⁰ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

⁵¹ Jude Schwalbach, “New data shows Arizona’s public schools, including rural ones, can compete in an education marketplace,” Reason Foundation, Commentary, October 3, 2023,

Arizona scored 95 points, received an A, and ranked 4th overall. Only three other states—Arkansas, 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

www.reason.org/commentary/new-data-shows-arizonas-public-schools-including-rural-ones-can-compete-in-an-education-marketplace/ (accessed 1 June 2026).

ARKANSAS' POLICY IS SECOND ONLY TO OKLAHOMA'S OPEN ENROLLMENT LAW.



Arkansas hosts a statewide cross-district and within-district open enrollment program. Data from the 2024-25 school year showed that more than 25,000 students, accounting for about 6% of students in public schools, transferred to schools in other districts.⁵² Moreover, school districts cannot reject applicants based on their abilities, disabilities, or residential address.⁵³ State law also ensures that rejected applicants can appeal their denial to the State Board of Education.⁵⁴ Students can apply for transfer between January and June.⁵⁵

The SEA must publish an annual report showing the number of transfers, rejected applicants, and why they were denied. Districts must provide denied applicants with a written explanation for their denial. Districts must also post their open enrollment policies and procedures on their websites.

However, the Natural State still falls short on transparency at the local level because districts aren't required to post their available capacity by grade level online. Parents who falsify their address for unsanctioned student transfers can be fined up to \$1,000.⁵⁶

Arkansas scored 98 points—an A+ grade—ranking 2nd place nationwide. If Arkansas adopted robust transparency provisions at the district level, it could increase its score by two points, becoming the first state to achieve a perfect score of 100 points nationwide.

⁵² Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

⁵³ Arkansas Code Title 6, §6-18-1903, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903/ (accessed 1 June 2026); Public Schools without Boundaries 2024 mistakenly did not give Arkansas credit for prohibiting discrimination against students based on their abilities.

⁵⁴ Arkansas Code Title 6, §6-18-1905-1906, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1905/ (accessed 1 June 2026), www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1906/ (accessed 1 June 2026).

⁵⁵ Arkansas State Legislature, 95th General Assembly-Regular Session, 2025, Senate Bill 167, www.arkleg.state.ar.us/Bills/Detail?id=SB167&ddBienniumSession=2025%2F2025R&Search= (accessed 1 June 2026).

⁵⁶ DeRoche, Korman, Hinds, "When Good Parents Go to Jail."

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

- Require school districts to post their available capacity by grade level on their websites.
- Require school districts to create a waitlist each year and notify waitlisted students when seats become available.
- Permit students to transfer at any time during the school 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)	2
#7 Transfer applicants can appeal rejected applications (2)	2
Total Points (100)	98
Final Grade	A+

CALIFORNIA NEEDS TO UNIFY ITS THREE OPEN ENROLLMENT PROGRAMS.



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 within their assigned district. If the number of applicants exceeds available capacity, then the school must determine admission through a randomized lottery.⁵⁷ 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, about 3% of students in the state's public schools.⁵⁸ 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.⁵⁹ School districts are not permitted to exclude students based on their ability or disability.⁶⁰ 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 the districts' decisions to the county board of education within 30 days of the date of final denial.⁶¹

The District of Choice program, made permanent in 2024, is the second-largest voluntary cross-district open enrollment program, with nearly 8,000 students participating in the 2022-23 school year.⁶² In the case of oversubscription, admission is determined by a

⁵⁷ 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 June 2026).

⁵⁸ 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 June 2026).

⁵⁹ California Legislative Information, Code, Title 2, Division 4, Part 26, Chapter 5, §46600, www.leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.&chapter=5.&article= (accessed 1 June 2026).

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² California Department of Education, "District of Choice Data Files 2022-23," April 9, 2024, www.cde.ca.gov/sp/eo/dc/docdatafiles1819.asp (accessed 7 May 2026); California Legislative Information, "SB-897 Pupil attendance: interdistrict attendance: school districts of choice.," September 28, 2024,

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 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.⁶³

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. Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to four years.

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 and make it statewide.
- 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.

www.leginfo.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=202320240SB897 (accessed 1 June 2026).

⁶³ California Legislative Information, Code, Title 2, Division 4, Part 27, Chapter 2, Article 7, §48300, www.leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48300.&lawCode=EDC (accessed 1 June 2026).

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.⁶⁴ The latest data from the Colorado Department of Education showed that nearly 203,000 students—29% of the state’s public school population—used open enrollment during the 2024-25 school year; 28% of these were cross-district transfers.⁶⁵

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.⁶⁶

⁶⁴ Colorado Revised Statutes Title 22. Education §22-33-103, www.codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-33-103/ (accessed 1 June 2026).

⁶⁵ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

⁶⁶ Colorado Revised Statutes Title 22. Education §22-36-101, www.codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-36-101/ (accessed 1 June 2026); Luke Ragland and Craig Hulse, “Open Doors, Open Districts,” Ready Colorado, Fall 2018, www.readycolorado.org/wp-content/uploads/2018/10/ODODfinal.pdf (accessed 1 June 2026).

Colorado scored 87 points—a grade of B+—ranking 8th overall.

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+

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.⁶⁷ 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.⁶⁸ However, the families of transfer students who utilize Open Choice cannot be charged the cost of tuition. Nearly 2,900 students participated in the program during the 2024-25 school year.⁶⁹ Connecticut is one of the 29 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.⁷⁰ 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.⁷¹ 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.

⁶⁷ General Statutes of Connecticut, Title 10, Chapter 172, §10-266aa, www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (accessed 1 June 2026).

⁶⁸ Connecticut State Department of Education, RSCO School Choice Family Reference Guide, School Year 2026-27, portal.ct.gov/-/media/sde/school-choice/rsco/rscofamilyguide.pdf (accessed 1 June 2026).

⁶⁹ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

⁷⁰ General Statutes of Connecticut, Title 10, Chapter 170, §10-221e, www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221e (accessed 1 June 2026).

⁷¹ Connecticut Department of Education, Open Choice Programs, www.portal.ct.gov/sde/school-choice/ct-school-choice/open-choice-programs (accessed 1 June 2026).

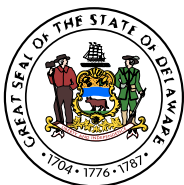
Connecticut scored 45 points—a grade of F—tying for 21st place with four other states.

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.⁷² 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."⁷³ During the 2020-21 school year, nearly 26,000 students used open enrollment—approximately 22% of students enrolled in traditional public schools.⁷⁴

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 \$2,300.⁷⁵

Additionally, 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.⁷⁶ 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

⁷² Delaware Department of Education, "School Choice," www.education.delaware.gov/families/k12/school-choice/ (accessed 1 June 2026).

⁷³ Delaware Code Online, Title 14, Chapter 4 School District Enrollment Choice Program, §405, www.delcode.delaware.gov/title14/c004/index.html (accessed 1 June 2026).

⁷⁴ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones;" Jude Schwalbach and Tanya Hettler, "More than 20 percent of publicly funded students in Delaware use open enrollment to choose schools," Reason Foundation, Commentary, January 8, 2025, www.reason.org/commentary/more-20-percent-publicly-funded-students-delaware-use-open-enrollment-choose-schools/ (accessed 1 June 2026).

⁷⁵ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁷⁶ Delaware Code Online, Title 14, Chapter 4 School District Enrollment Choice Program, §401-414, www.delcode.delaware.gov/title14/c004/index.html (accessed 1 June 2026).

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 8th place overall with Colorado. The First State could easily raise its grade to an A by improving its district and state-level transparency provisions.

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 6TH 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 twice a year and cannot charge transfer students tuition or fees.⁷⁷ However, parents who falsify their address for unsanctioned student transfers can be incarcerated for either 60 days or five years, depending on the charges.⁷⁸ 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. During the 2024-25 school year, more than 287,000 students participated in the state's open enrollment options, only 2% of which were cross-district transfers. Overall, 10% of students enrolled in the state's traditional public schools used open enrollment.⁷⁹

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.⁸⁰

⁷⁷ The 2025 Florida Statutes, Title XLVIII, §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 June 2026).

⁷⁸ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁷⁹ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

⁸⁰ The 2025 Florida Statutes, Title XLVIII, §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 June 2026).

In 2024, Florida 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.⁸¹ The stipend amount per household is \$750.⁸²

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.⁸³ 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.⁸⁴

Florida's open enrollment policy scored 89 points—a B+—ranking 6th place overall. The Sunshine State could easily gain an A by improving its transparency provisions or making public schools open to all students.

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.

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+

⁸¹ The 2025 Florida Statutes, Title XLVIII, §1002.31.

⁸² Step Up For Students, "Public School Transportation Stipend," 2026, www.stepupforstudents.org/scholarships/transportation/ (accessed 1 June 2026).

⁸³ The 2025 Florida Statutes, Title XLVIII, §1002.31.

⁸⁴ Ibid.

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



While students can transfer between school districts, they can only do so with the consent of both their receiving and sending school districts.⁸⁵ 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.⁸⁶ 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.⁸⁷ 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.⁸⁸ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to five years and fined up to \$1,000.⁸⁹

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.

⁸⁵ Georgia Code Title 20. Education §20-2-293, www.codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-293/ (accessed 28 April 2025).

⁸⁶ 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 June 2026).

⁸⁷ Georgia Code Title 20. Education §20-2-2131, www.codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131.html (accessed 28 April 2025).

⁸⁸ 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 28 April 2025).

⁸⁹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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

In 2026, Rep. Todd Jones and Scott Hilton introduced House Bill 917. This proposal adopted nearly all of Reason Foundation’s recommendations and would have improved Georgia’s score to 99 points, tying Oklahoma for first place.⁹⁰

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

⁹⁰ Georgia General Assembly, HB 917, www.legis.ga.gov/legislation/72008 (accessed 8 May 2026).

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. During the 2022-23 school year, more than 18,000 students used the program.⁹¹ 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.⁹²

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.⁹³

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.

⁹¹ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

⁹² 2025 Hawaii Revised Statutes, Title 18 Education, §302a-1143 Attending School in What Service Area, www.law.justia.com/codes/hawaii/title-18/chapter-302a/section-302a-1143/ (accessed 1 June 2026); 2025 Hawaii Revised Statutes, Title 18, §302a-1145 Transfer to Another School, www.law.justia.com/codes/hawaii/title-18/chapter-302a/section-302a-1145/ (accessed 1 June 2026).

⁹³ State of Hawai'i, Board of Education—Papa Ho'ona'auao, Administrative Rules, Title 8 Department of Education, Subtitle 2 Education, Part 1 Public Schools, Chapter 13 Geographical Exceptions, www.boe.hawaii.gov/administrative-rules/ (accessed 1 June 2026).

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 (60)	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 LAW GETS AN A+ SCORE.



In 2023, Idaho established statewide cross- and within-district open enrollment.⁹⁴ 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.

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 number of students that transfer or the reasons why applications were rejected. Rejected applicants do not have the option to appeal their denial to a non-district entity.

Idaho scored 97 points—a grade of A+ —ranking 3rd nationwide.

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

- Require the State Department of Education to include the number of transfers and why applicants were rejected in its annual open enrollment report, redacting any personally identifying information.
- Establish a non-district appeals process for rejected applicants.
- 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)	2
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	97
Final Grade	A+

⁹⁴ Idaho Legislature, Idaho Statutes, Title 33, Chapter 14, §33-1402, www.legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1402/ (accessed 25 April 2025).

ILLINOIS' OPEN ENROLLMENT POLICY GETS AN F.



Students can transfer schools under very limited circumstances in Illinois, such as specific agreements between districts.⁹⁵ School districts can charge cross-district transfers tuition.⁹⁶ 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 \$2,300.⁹⁷

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).⁹⁸

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.

⁹⁵ 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 June 2026).

⁹⁶ 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 June 2026).

⁹⁷ 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 June 2026); Illinois Compiled Statutes, 730 ILCS 5/5-4.5-65 Class C Misdemeanors; Sentence, www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073000050K5-4.5-65 (accessed 1 June 2026); DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁹⁸ 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 June 2026).

Illinois scored 35 points—a grade of F—tying for 26th place with three 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

INDIANA NEEDS TO STRENGTHEN ITS OPEN ENROLLMENT POLICIES.



The Hoosier State provides only voluntary cross- and within-district open enrollment programs.⁹⁹ Public schools are free to all transfer students.¹⁰⁰ 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. A 2024 reform stopped school districts from charging tuition to transfer students.¹⁰¹ During the 2024-25 school year, nearly 96,000 students used cross-district open enrollment, about 10% of students in traditional public schools.¹⁰²

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.

Indiana only scores 53 points, grading F. Overall, the state ranks 17th, with 30 states scoring lower. If Indiana made cross-district open enrollment available statewide, it would receive a B instead.

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.

⁹⁹ Indiana Code Title 20. Education §20-26-11-32, www.codes.findlaw.com/in/title-20-education/in-code-sect-20-26-11-32/ (accessed 1 June 2026).

¹⁰⁰ Indiana General Assembly 2024 Session, House Bill 1380, www.iga.in.gov/legislative/2024/bills/house/1380/details (accessed 1 June 2026).

¹⁰¹ Jude Schwalbach, "Public schools charge tuition, just like private schools," *Reason*, March 22, 2024, www.reason.com/2024/03/22/public-schools-charge-tuition-just-like-private-schools/ (accessed 1 June 2026).

¹⁰² Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

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 (100)	53
Final Grade	F

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, hosting about 2,000 transfers.¹⁰³

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.¹⁰⁴

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 7th overall. If the Sunflower State adopted statewide within-district open enrollment, it could improve its grade to an A+, tying Arkansas for second place.

¹⁰³ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

¹⁰⁴ Kansas 2021-2022 Legislative Sessions, S Sub for HB2567, www.kslegislature.org/li_2022/b2021_22/measures/hb2567/ (accessed 1 June 2026).

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+

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.¹⁰⁵ 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.¹⁰⁶ 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.¹⁰⁷ More than 32,000 students used cross-district open enrollment during the 2024-25 school year.¹⁰⁸

While the Kentucky Department of Education guidance indicates that school districts can charge transfer students a “reasonable tuition fee,” that fee must be paid by the sending district, pending its approval of the transfer. In its 2025 report, the Bluegrass Institute contacted 10 school districts, finding two instances where school districts charged \$500 in tuition to non-resident transfers.¹⁰⁹ If a sending district determines that student transfers to another district are convenient, it can enter into a tuition contract with the receiving district.¹¹⁰

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.

¹⁰⁵ Kentucky Department of Education, “Non-Resident Student Policy,” November 6, 2025, www.education.ky.gov/districts/enrol/Pages/Nonresident-Student-Policy.aspx (accessed 1 June 2026).

¹⁰⁶ Ibid.

¹⁰⁷ Kentucky Revised Statutes 2023, Chapter 158, §158.120, www.apps.legislature.ky.gov/law/statutes/chapter.aspx?id=37853 (accessed 1 June 2026).

¹⁰⁸ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

¹⁰⁹ Ibid

¹¹⁰ Kentucky Department of Education, “Non-Resident Student Policy.”

Kentucky scored 35 points—a grade of F—tying for 26th place overall with three other states. Only seven 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.
- Ensure that the state’s Non-Resident Student report is published annually, reporting the number of transfers, rejected applicants, and why they were denied.

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 open enrollment data annually, including the number of transfer requests received, accepted, appealed, and denied during the most recent school year. These reports are a matter of public record and may be posted to the SEA’s website or obtained via data request. School districts cannot charge tuition to transfer students.¹¹¹ During the 2023-24 school year, school districts accepted nearly 7,000 transfer applicants.¹¹²

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.”¹¹³ 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.”¹¹⁴ 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

¹¹¹ Louisiana State Legislature, RS 17 §4035.1. Public school choice, www.legis.la.gov/legis/Law.aspx?%20p=y&d=920128 (accessed 1 June 2026).

¹¹² Louisiana Department of Education, “Student Transfer Request Report,” October 2024, www.doe.louisiana.gov/docs/default-source/legislative-reports/af-student-transfer-request-report-fall-2024-dec2024.pdf?sfvrsn=8b8da5d0_5 (accessed 1 June 2026).

¹¹³ 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 June 2026).

¹¹⁴ Ibid.

applicants why they were denied in writing. However, rejected applicants can appeal their denials to the Louisiana State Board of Elementary and Secondary Education.¹¹⁵

Louisiana scored 49 points—a grade of F—tying for 20th place overall with Tennessee and Vermont.

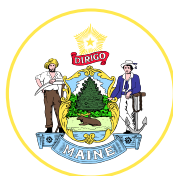
Louisiana policymakers can improve their open enrollment options in three main ways:

- 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)	1
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	49
Final Grade	F

¹¹⁵ 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 June 2026).

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.¹¹⁶

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

¹¹⁶ 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 June 2026).

MARYLAND'S OPEN ENROLLMENT LAW TIES FOR 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.¹¹⁷

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:

- Require 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

¹¹⁷ Code of Maryland Regulations, Title 13a, Subtitle 08, Chapter 13a.08.01, §13a.08.01.20. Unsafe School Transfer Policy, www.regulations.justia.com/states/maryland/title-13a/subtitle-08/chapter-13a-08-01/ (accessed 1 June 2026); 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.¹¹⁸ Transfer students can remain in their non-assigned school until graduation unless there is insufficient funding.¹¹⁹ Districts cannot charge tuition to transfer students.¹²⁰ The latest data showed that nearly 18,000 students used open enrollment during the 2024-25 school year, about 2% of students enrolled in public schools across the state.¹²¹

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.¹²² 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.

Massachusetts scored 51 points—a grade of F—tying for 18th place with Minnesota, and Ohio. If the Bay State adopted statewide cross-district open enrollment, it could improve its grade to a B.

¹¹⁸ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76 §12b(e), www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section12B (accessed 1 June 2026).

¹¹⁹ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76, §12, www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12B (accessed 1 June 2026); 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 June 2026).

¹²⁰ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76 §12b(e).

¹²¹ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

¹²² Massachusetts Department of Elementary and Secondary Education, SIMS Summary Report Explanation, www.doe.mass.edu/infoservices/data/sims/sumreports.html (accessed 1 June 2026).

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)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	51
Final Grade	F

MICHIGAN FINANCIALLY PENALIZES DISTRICTS FOR NOT PARTICIPATING IN 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. During the 2024-25 school year, nearly 158,000 students used cross-district open enrollment.¹²³ While most school districts participate in open enrollment, many limit the number of transfer students through artificial caps.¹²⁴ 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.¹²⁵ 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.¹²⁶ 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.¹²⁷ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to 30 days and fined up to \$50.¹²⁸

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.

¹²³ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

¹²⁴ Jude Schwalbach, "Open enrollment should be part of Michigan's education reforms," Reason Foundation, Commentary, March 30, 2023, www.reason.org/commentary/open-enrollment-should-be-part-of-michigans-education-reforms/ (accessed 1 June 2026).

¹²⁵ 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 June 2026).

¹²⁶ Ibid.

¹²⁷ 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 June 2026).

¹²⁸ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

Michigan scored 35 points—a grade of F—tying for 26th place with three 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.”¹²⁹ 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.¹³⁰

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. During the 2024-25 school year, more than 93,000 students used open enrollment, about 12% of students enrolled in traditional public schools.¹³¹ State law prohibits districts from excluding students based on ability or disability.¹³² Districts cannot charge fees to transfer students.¹³³ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to 90 days and fined up to \$1,000.¹³⁴

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.¹³⁵ 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.¹³⁶ Districts 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.

¹²⁹ 2025 Minnesota Statutes §124D.03. Enrollment options program, www.revisor.mn.gov/statutes/cite/124d.03 (accessed 1 June 2026).

¹³⁰ Minnesota Department of Education, Students and Families, “Open Enrollment,” <https://education.mn.gov/MDE/fam/open/> (accessed 1 June 2026).

¹³¹ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

¹³² 2025 Minnesota Statutes §124D.03.

¹³³ 2025 Minnesota Statutes §123B.37. Prohibited fees, www.revisor.mn.gov/statutes/cite/123B.37 (accessed 1 June 2026).

¹³⁴ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

¹³⁵ Minnesota Department of Education, “Open Enrollment.”

¹³⁶ 2025 Minnesota Statutes §124D.03. Enrollment options program.

Minnesota scored 51 points—a grade of F—ranking 18th overall with Massachusetts and Ohio. 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 SCORES 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 cannot charge transfer students tuition, but districts charge tuition fees to transfers nonetheless.¹³⁷ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to five years or fined up to \$1,000.¹³⁸ 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.¹³⁹ 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.¹⁴⁰

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 40 points, earning an F, ranking 22nd overall with Oregon. If the state adopted statewide cross- and within-district open enrollment, its grade would improve to a B.

During the 2026 legislative session, House Speaker Jason White and Rep. Jansen Owen introduced House Bill 2, which would only require transfer applicants to receive permission

¹³⁷ Mississippi Code Title 37. Education §37-15-31 (2)(e) and (5)(a), www.codes.findlaw.com/ms/title-37-education/ms-code-sect-37-15-31/ (accessed 6 May 2026); Jude Schwalbach, "Mississippi's open enrollment proposals would be a step in the right direction for students," Reason Foundation, Commentary, February 3, 2026, www.reason.org/commentary/mississippi-open-enrollment-proposals-right-direction-for-students/ (accessed 6 May 2026); Public Schools without Boundaries 2025 mistakenly did not give Mississippi credit for prohibiting tuition.

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

¹³⁹ 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 June 2026).

¹⁴⁰ 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/ (accessed 1 June 2026).

from the receiving school district and further clarified that districts cannot charge tuition to transfer students. School districts couldn't discriminate against applicants based on their abilities or disabilities and would have had to post their available capacity and all open enrollment policies and procedures on their websites. Additionally, the SEA would have been required to publish an annual report to the legislature showing the number of transfer students and denials by district. H.B. 2 passed in the House chamber, but died in the Senate.¹⁴¹ If it had passed, Mississippi's open enrollment score would have improved by 12 points.¹⁴² Similarly, the Senate passed Senate Bill 2002, which would have only required transfer applicants to receive permission from the receiving school district. However, it would have eliminated an existing statute that prohibits districts from charging tuition to transfer students. The bill died in the House.¹⁴³

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)	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)	40
Final Grade	F

¹⁴¹ Mississippi Legislature 2026 Regular Session, House Bill 2, www.billstatus.ls.state.ms.us/2026/pdf/history/HB/HB0002.xml (accessed 8 May 2026); Devna Bose, "The bill dies today.' Senate committee kills House school choice measure," *Mississippi Today*, February 3, 2026, www.mississippitoday.org/2026/02/03/school-choice-bill-dies-mississippi-legislature-house-senate-private-schools/ (accessed 8 May 2026).

¹⁴² Schwalbach, "Mississippi's open enrollment proposals would be a step in the right direction for students."

¹⁴³ Mississippi Legislature 2026 Regular Session, Senate Bill 2002, www.billstatus.ls.state.ms.us/2026/pdf/history/SB/SB2002.xml (accessed 1 June 2026).

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



Missouri law requires districts to establish a within-district open enrollment policy.¹⁴⁴ However, the law doesn't indicate that the policy must permit transfers so long as space is available. The state also operated highly limited cross-district open enrollment programs via the Metropolitan Schools Achieving Value in Transfer Corporation and Voluntary Interdistrict Choice Corporation; these programs are defunct or no longer accepting new students as of the 2023-24 school year.¹⁴⁵ However, students can transfer to other districts at the discretion of the receiving district.¹⁴⁶ Missouri districts must set a tuition fee for students transferring under these circumstances.¹⁴⁷ Additionally, students can transfer to an accredited district if their home district loses its accreditation. Denied applicants in this situation can appeal a district's decision to Missouri Department of Elementary and Secondary Education.¹⁴⁸

Without these extenuating circumstances, state law doesn't stop districts from discriminating against transfer applicants based on their ability or disability. Transfer policies and districts' available capacity by grade level don't have to be posted on their websites. The Missouri Department of Education is not required to collect or publish data on the number of transfers, rejected applicants, or why applicants were denied. Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to one year and fined up to \$10,000.¹⁴⁹

¹⁴⁴ Missouri Revised Statutes, Title XI Education and Libraries, §162.1190, Multiple attendance centers for same grade level, board to have policy for transfer of students., www.revisor.mo.gov/main/OneSection.aspx?section=162.1190&bid=8124&hl= (accessed 19 May 2026).

¹⁴⁵ 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 19 May 2026).

¹⁴⁶ Missouri Revised Statutes, §167.151 Admission of nonresident and other tuition pupils – certain pupils exempt from tuition – school tax credited against tuition – owners of agricultural land in more than one district, options, notice required, when – teachers and certain school workers, children may attend school where parent teaches, tuition amount., www.revisor.mo.gov/main/OneSection.aspx?section=167.151 (accessed 2 June 2026); Public Schools without Boundaries 2025 mistakenly reported that Missouri has no cross-district open enrollment options.

¹⁴⁷ Ibid.

¹⁴⁸ Missouri Revised Statutes, §167.895 Student transfer to another public school, when – definitions – lack of capacity at attendance centers, options – requirements., www.revisor.mo.gov/main/OneSection.aspx?section=167.895 (accessed 2 June 2026).

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

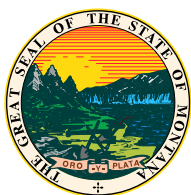
Missouri scores 36 points—a grade of F—and scoring fourth from last. Only eleven states scored worse than Missouri.

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)	1
Total Points (100)	36
Final Grade	F

MONTANA SCORES A C+.



Montana launched a strong cross-district open enrollment policy in fall 2025, hosting nearly 11,000 transfers during its first year of operation.¹⁵⁰ School districts can only reject transfer applicants for limited reasons, such as truancy or discipline. Additionally, districts 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. Additionally, districts can reject applicants if their acceptance would cause a teacher to exceed the maximum student-to-teacher ratio or exceed "the maximum class sizes under accreditation standards of the board of public education."¹⁵¹ The law also prohibits school districts from charging public school tuition to transfer students.

The Treasure State's superintendent of public instruction's annual open enrollment reports to the Education Interim Committee on Out-of-District Attendance must disaggregate student transfers by district.¹⁵² These reports must include 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 the reasons for their denial. Per state law, these reports must be published on the state legislature's website.¹⁵³

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.

¹⁵⁰ Montana Code Annotated 2025, §20-5-321, www.leg.mt.gov/bills/mca/title_0200/chapter_0050/part_0030/section_0210/0200-0050-0030-0210.html (accessed 1 June 2026); Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones." Montana Legislative Services, "HB 250: Generally revise education laws related to out-of-district attendance," April 12, 2025, www.bills.legmt.gov/#/laws/bill/2/LC1211?open_tab=sum (accessed 1 June 2026).

¹⁵² Ibid.

¹⁵³ Montana Legislature Archive, "State Agency Reports to Legislature," www.archive.legmt.gov/publications/state-agency-reports/ (accessed 25 April 2025).

Montana Scored 77 points—a grade of C+—tying for 12th place with North Dakota. If the Treasure State adopted statewide within-district open enrollment, its score would be boosted to a B+.

Montana policymakers can improve their open enrollment options in three 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 the reasons for rejecting transfer applicants in the annual report to the Education Interim Committee on Out-of-District Attendance.

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)	2
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	77
Final Grade	C+

NEVADA'S OPEN ENROLLMENT POLICY NEEDS IMPROVEMENT.



Nevada is one of the 17 states with a statewide within-district open enrollment law, established in 2025. Moreover, the law also requires districts to post their available capacity by grade level on their websites. The state education agency must also collect key open enrollment data, such as the number of transfers, the number of rejected applicants, and why they were denied. However, the agency is only required to publish data about the number of transfers. It also prohibits districts from discriminating against within-district transfer applicants based on their ability or disability. Districts cannot charge tuition to within-district transfers.¹⁵⁴

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.¹⁵⁵

The Silver State does not require districts to post their open enrollment policies and procedures on their websites. The SEA is not required to publish the number of denials or the reasons applicants were denied. Nevada law does not stop school districts from rejecting cross-district 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.

¹⁵⁴ Nevada Legislature, "SB460," www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12863/Overview (accessed 1 June 2026); Nevada Legislature, "AB533," www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12824/Overview (accessed 1 June 2026); Nevada State Code, Chapter 388 System of Public Instruction, NRS §388.040, www.leg.state.nv.us/nrs/nrs-388.html#NRS388Sec040 (accessed 1 June 2026).

¹⁵⁵ 2025 Nevada Revised Statutes, NV Rev Stat 392.010, www.law.justia.com/codes/nevada/chapter-392/statute-392-010/ (accessed 4 June 2026).

Nevada scored 50 points—a grade of F—ranking 19th overall.

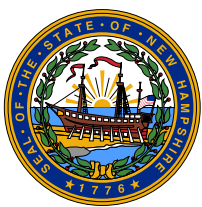
Nevada could improve its score to D by making public schools free to all cross-district transfers.

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

- Require all districts to participate in cross-district open enrollment.
- Make public schools free to all students.
- Publish the number of rejected applicants and the reasons for their denials.

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)	3
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	50
Final Grade	F

NEW HAMPSHIRE'S OPEN ENROLLMENT LAWS FALL SHORT.



New Hampshire hosts one of the 17 statewide within-district open enrollment programs nationwide.¹⁵⁶ Yet, participation in cross-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. To date, only one school district participates in the state's open enrollment program.¹⁵⁷

While within-district transfers can attend a school outside their catchment area for free, school districts can charge tuition to cross-district transfers. However, 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.¹⁵⁸

New Hampshire scored 45 points—a grade of F—ranking 21st overall with New Mexico, Pennsylvania, and Rhode Island.

During the 2026 legislative session, Senate Bill 101-FN, introduced by Sen. Timothy Lang, would have established a statewide cross-district open enrollment program, made public schools free to all students, and implemented strong state- and district-level transparency requirements.¹⁵⁹ It passed the Senate and could have improved New Hampshire's current score by 52 points.¹⁶⁰ Similarly, House Bill 751-FN, as amended in the Senate, would have established a cross-district open enrollment capped at 500 seats. If transfers failed to fill all available seats after the first year, then the cap would be automatically repealed, making

¹⁵⁶ The General Court of New Hampshire, SB97-FN, www.gc.nh.gov/bill_Status/billinfo.aspx?id=999 (accessed 1 June 2026).

¹⁵⁷ Jude Schwalbach and Andrew Cline, "Universal open enrollment can help students and school districts," The Josiah Bartlett Center for Public Policy, March 25, 2025, www.jbartlett.org/2025/03/universal-open-enrollment-can-help-students-and-school-districts/ (accessed 1 June 2026).

¹⁵⁸ RSA 194-D, www.gencourt.state.nh.us/rsa/html/XV/194-D/194-D-mrg.htm (accessed 1 June 2026).

¹⁵⁹ The General Court of New Hampshire, SB101-FN, www.gc.nh.gov/bill_status/billinfo.aspx?id=1052&inflect=2 (accessed 19 May 2026).

¹⁶⁰ Jude Schwalbach, "Why New Hampshire's K-12 open enrollment laws aren't good enough," Reason Foundation, Commentary, February 24, 2026, www.reason.org/commentary/why-new-hampshires-k-12-open-enrollment-laws-arent-good-enough/ (accessed 19 May 2026).

the program statewide. It also would have adopted excellent transparency provisions at the state and local levels, and ensured that public schools were open and free to all students.¹⁶¹ The bill's open enrollment provisions were struck in the Committee of Conference, failing to progress after Governor Ayotte expressed opposition to it.¹⁶² If it had been codified, New Hampshire's score would have improved to 66 points. Lastly, House Bill 1573 passed both chambers and would have let the State Board of Education reassign students who are experiencing a "manifest educational hardship" to a public school in another district. Gov. Ayotte signed the bill into law in July.¹⁶³

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

- Require all 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.

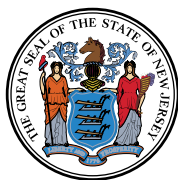
Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	15
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer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

¹⁶¹ The General Court of New Hampshire, HB751-FN, www.gc.nh.gov/bill_status/billinfo.aspx?id=275&inflect=2 (accessed 29 May 2026).

¹⁶² Adam Sexton, "Republican lawmakers agree on school open enrollment bill, but governor has concerns," WMRUO ABC, May 28, 2026, www.wmur.com/article/school-open-enrollment-bill-governor-52826/71435817 (accessed 29 May 2026).

¹⁶³ The General Court of New Hampshire, HB1573, www.gc.nh.gov/bill_status/billinfo.aspx?id=2078&inflect=2 (accessed 1 June 2026).

NEW JERSEY'S OPEN ENROLLMENT POLICY SCORES AN F.



New Jersey operates a voluntary cross-district open enrollment option.¹⁶⁴ During the 2026-27 school year, roughly 20% of New Jersey school districts will participate in it.¹⁶⁵ 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.¹⁶⁶ 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.¹⁶⁷ During the 2023-24 school year, more than 5,000 students used cross-district open enrollment, less than half a percent of students enrolled in the state's traditional public schools.¹⁶⁸

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.¹⁶⁹ 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.¹⁷⁰ Any school district that does not participate in open enrollment can charge tuition to transfer students.¹⁷¹ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to six months and fined up to \$1,000.¹⁷²

¹⁶⁴ N.J.A.C. 6A:12, Interdistrict Public School Choice, www.nj.gov/education/code/current/title6a/chap12.pdf (accessed 1 June 2026).

¹⁶⁵ New Jersey Department of Education, "Interdistrict Public School Choice," www.nj.gov/education/choice/ (accessed 8 May 2026).

¹⁶⁶ New Jersey Department of Education, Interdistrict Public School Choice Program, "Policy and FAQs," www.nj.gov/education/choice/cdistricts/faq/#Tuitionandchoiceprograms (accessed 1 June 2026).

¹⁶⁷ N.J.A.C. 6A:12, New Jersey Department of Education, Interdistrict Public School Choice.

¹⁶⁸ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

¹⁶⁹ N.J.A.C. 6A:12, New Jersey Department of Education, Interdistrict Public School Choice.

¹⁷⁰ Ibid.

¹⁷¹ 2025 New Jersey Revised Statutes, Title 18A - Education, §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 June 2026).

¹⁷² DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

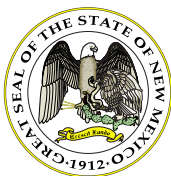
New Jersey scored 36 points—a grade of F—tying for 25th with Texas and Missouri.

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.¹⁷³ During the 2024-25 school year, about 18,400 students participated in cross-district open enrollment.¹⁷⁴ 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 21st overall with four 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 its 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.

¹⁷³ 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/ (accessed 1 June 2026); 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/ (accessed 1 June 2026).

¹⁷⁴ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

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 THIRD TO LAST.



New York permits voluntary cross-district open enrollment so long as the transfer applicants meet the district's admissions requirements.¹⁷⁵ State law does not address within-district open enrollment. Cross-district transfers can be charged tuition, and districts establish their own terms for admission as set by trustees of the board. Moreover, state code doesn't include provisions to collect or publish open enrollment. Similarly, districts don't have to publish their open enrollment policies, procedures, or available capacity online. While rejected applicants are not informed in writing why they were denied, they can appeal their denial to the state commissioner of education.¹⁷⁶ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to seven years.¹⁷⁷

New York scored 31 points—a grade of F—ranking 27th overall with 43 states scoring better.

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.

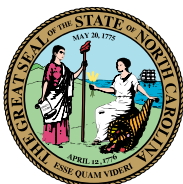
Best Practice	Score
#1 Statewide cross-district open enrollment (60)	30
#2 Statewide within-district open enrollment (15)	0
#3 School districts free to all students (10)	0
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	0
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	31
Final Grade	F

¹⁷⁵ New York Consolidated Laws, Education Law – EDN §3202, www.codes.findlaw.com/ny/education-law/edn-sect-3202/ (accessed 24 June 2026).

¹⁷⁶ New York Consolidated Laws, Education Law – EDN §310, www.codes.findlaw.com/ny/education-law/edn-sect-310/ (accessed 24 June 2026); Public Schools without Boundaries: 2025 mistakenly did not give New York partial credit for this metric.

¹⁷⁷ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

NORTH CAROLINA TIES FOR DEAD LAST.



The Tar Heel State does not have any codified open enrollment options.¹⁷⁸ While a handful of districts implement within-district open enrollment policies, they are not established in North Carolina law.¹⁷⁹ 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.¹⁸⁰

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

¹⁷⁸ Congressional Research Service, "Overview of Public and Private School Choice Options."

¹⁷⁹ Dr. Robert Luecke and Kaitlyn Shepherd, "Understanding open enrollment: the next frontier in NC school choice," John Locke Foundation, Report, May 12, 2026, www.johnlocke.org/research/understanding-open-enrollment-the-next-frontier-in-nc-school-choice/ (accessed 15 June 2026).

¹⁸⁰ 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.¹⁸¹ 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. As of the 2024-25 school year, nearly 4,700 students participated in cross-district open enrollment—about 4% of students enrolled in public schools.¹⁸²

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 12th 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.

¹⁸¹ North Dakota Legislative Branch, Century Code §15.1-31, www.ndlegis.gov/general-information/north-dakota-century-code/index.html (accessed 1 June 2026).

¹⁸² Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

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. Nearly 77,000 students used cross-district open enrollment during the 2024-25 school year, approximately 5% of students enrolled in the state's traditional public schools.¹⁸³ Districts must enroll transfer students whose parent is active duty military stationed in Ohio.¹⁸⁴ 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.¹⁸⁵ At least 22 school districts charged tuition to transfer students as of 2024. Of these districts, the average tuition rate is \$11,000.¹⁸⁶ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to three years.¹⁸⁷

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, posting this information on their website.¹⁸⁸ 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.¹⁸⁹

Although the SEA publicly reports which districts participate in open enrollment, and to what degree, it does not track why transfer applications were rejected.¹⁹⁰ Nor are districts

¹⁸³ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

¹⁸⁴ Ohio Laws & Administrative Rules, Ohio Revised Codes, Title 33 Education-Libraries, Chapter 3313 Boards of Education, §3313.98, www.codes.ohio.gov/ohio-revised-code/section-3313.98 (accessed 1 June 2026).

¹⁸⁵ 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, www.codes.ohio.gov/ohio-revised-code/section-3313.98 (accessed 1 June 2026); §3313.981, <https://codes.ohio.gov/ohio-revised-code/section-3313.981> (accessed 1 June 2026).

¹⁸⁶ 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 June 2026).

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

¹⁸⁸ Ohio Laws & Administrative Rules, §3313.984 Intradistrict open enrollment, www.codes.ohio.gov/ohio-revised-code/section-3313.984 (accessed 2 June 2026); Public Schools without Boundaries 2025 mistakenly did not give Ohio credit for partially meeting this best practice.

¹⁸⁹ Ohio Department of Education and Workforce, "Open Enrollment," May 22, 2026, www.education.ohio.gov/Topics/Ohio-Education-Options/Open-Enrollment (accessed 1 June 2026).

¹⁹⁰ 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 June 2026); Deven

required to publicly report their available capacity. Districts are only required to provide information about cross-district transfers upon request.¹⁹¹ However, districts must report the number of students using within-district open enrollment to the SEA annually.¹⁹² Ohio's open enrollment policy requires that school districts are open to all students regardless of their ability or disability.¹⁹³ 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 51 points—a grade of F—ranking 18th place overall. If Ohio adopted statewide cross-district open enrollment, its score would improve to a B.

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)	1
#6 Transparent district reporting (4)	0
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	51
Final Grade	F

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 June 2026).

¹⁹¹ Ohio Department of Education and Workforce, "Open Enrollment."

¹⁹² Ohio Laws & Administrative Rules, Ohio Revised Code: Title 33 Education-Libraries, Chapter 3314 Boards of Education, §3313.984.

¹⁹³ 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 June 2026).

OKLAHOMA HAS THE BEST OPEN ENROLLMENT LAW NATIONWIDE.



Oklahoma has statewide cross- and within-district open enrollment laws. During the 2024-25 school year, more than 8,500 students used cross-district open enrollment, approximately 1% of students enrolled in the state's public schools.¹⁹⁴ 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.

State 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. The latest data showed that 73% of rejected applicants were denied due to a lack of capacity.¹⁹⁵ 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.¹⁹⁶

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.¹⁹⁷ 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.¹⁹⁸ 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.

¹⁹⁴ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

¹⁹⁵ Oklahoma Education, Student Transfers, "Open Transfer Reporting: 2024-2025," September 11, 2025, www.oklahoma.gov/education/services/school-governance/osde-compliance-services/school-choice/student-transfers.html (accessed 29 May 2026).

¹⁹⁶ Oklahoma State Legislature, HB 3386, www.oklegislature.gov/BillInfo.aspx?Bill=HB3386&Session=2400 (accessed 1 June 2026).

¹⁹⁷ 2025 Oklahoma Statutes, Title 70. Schools, Article VIII - Transfer of Pupils, §8-101.2, www.law.justia.com/codes/oklahoma/title-70/section-70-8-101-2/ (accessed 1 June 2026).

¹⁹⁸ Ibid.

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's board of education. If the appeal is denied, the rejected applicant can appeal to the State Board of Education. School districts cannot charge transfer students tuition.¹⁹⁹ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to one year and fined up to \$500.²⁰⁰

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.²⁰¹

The Sooner State requires that districts comply with robust accountability requirements. Specifically, school districts must report to the SEA the number of transfer students they can accept by grade level, 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.²⁰²

Oklahoma scored 99 points—an A+ grade—ranking #1 overall.

Governor Kevin Stitt signed House Bill 4274, sponsored by Representative Nicole Miller and Senator Adam Pugh, into law. This new provision ensures that children whose parent is active-duty military can access the public school of their choice via open enrollment. Previous law only required that districts adopt a policy regarding military-connected children.²⁰³

¹⁹⁹ 2025 Oklahoma Statutes, Title 70. Schools, Article VIII - Transfer of Pupils, §8-112 - Student Transfer Fees, www.law.justia.com/codes/oklahoma/title-70/section-70-8-112/ (accessed 1 June 2026).

²⁰⁰ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

²⁰¹ Oklahoma Statutes Title 70, Article VIII - Transfer of Pupils §8-101.2.

²⁰² Ibid.

²⁰³ Oklahoma State Legislature, Bill Information for HB 4274, www.oklegislature.gov/BillInfo.aspx?Bill=HB4274&session=2600 (accessed 1 June 2026).

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

- Hold school districts that fail to publicly report their available capacity accountable and require the SEA to post all open enrollment reports.²⁰⁴
- Require school districts to inform rejected applicants in writing why their applications were denied.
- 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)	4
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	1
Total Points (100)	99
Final Grade	A+

²⁰⁴ 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 June 2026).

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. State law stops school districts from denying applicants based on their ability or disability.²⁰⁵ However, 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.²⁰⁶

Oregon scored 40 points—a grade of F—ranking 22nd with Mississippi.

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.

²⁰⁵ Public Schools without Boundaries: 2025 mistakenly did not give Oregon credit for meeting this metric.

²⁰⁶ Oregon Revised Statutes 2025 Edition, 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 June 2026); Oregon Secretary of State, Oregon Department of Education, 581-021-0019 Interdistrict Transfer Agreement, www.secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=144548 (accessed 1 June 2026).

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)	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)	40
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.²⁰⁷

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. During the 2024-25 school year, nearly 19,000 students used open enrollment, of which 31% were cross-district transfers.²⁰⁸ 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.²⁰⁹ 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 \$500.²¹⁰

The Keystone State scored 45 points—a grade of F—ranking 21st overall with four 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.

²⁰⁷ 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 June 2025); 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 June 2026).

²⁰⁸ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

²⁰⁹ 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 June 2026).

²¹⁰ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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.

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.²¹¹

Rhode Island scored 45 points—an F grade—ranking 21st overall with Connecticut, New Hampshire, 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

²¹¹ R.I. Gen. Laws §16-2-19, www.webserver.rilin.state.ri.us/Statutes/TITLE16/16-2/16-2-19.htm (accessed 29 April 2025); 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 June 2026); 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 June 2026).

SOUTH DAKOTA'S OPEN ENROLLMENT POLICY RANKS 11TH 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.²¹² During the 2024-25 school year, more than 9,000 students used cross-district open enrollment, approximately 7% of students enrolled in the state's traditional public schools.²¹³ 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.²¹⁴ 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.²¹⁵ 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.²¹⁶

²¹² South Dakota Legislature: Legislative Research Council, Codified Laws, §13-28-21. Admission of nonresident students, www.sdlegislature.gov/Statutes/13-28-21 (accessed 1 June 2026); South Dakota Legislature: Legislative Research Council, Codified Laws, §13-28-40. Enrollment options program established, www.sdlegislature.gov/Statutes/13-28-40 (accessed 1 June 2026).

²¹³ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

²¹⁴ 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 June 2026).

²¹⁵ 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 June 2026).

²¹⁶ South Dakota Legislature: Legislative Research Council, Codified Laws, §13-28-47. Disclosure, www.sdlegislature.gov/Statutes/13-28-47 (accessed 1 June 2026).

Moreover, transfer students are not entitled to a free education and could be charged tuition.²¹⁷

South Dakota scored 80 points, a grade of B-, ranking 11th overall. If the Mount Rushmore State made public schools free to all students, it could increase its score by 10 points, earning an A.

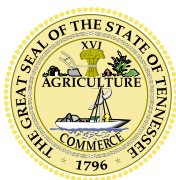
South Dakota policymakers can improve their open enrollment options in three main ways:

- 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-

²¹⁷ 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 June 2026).

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.²¹⁸ 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.²¹⁹

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 with Louisiana and Vermont. If the state adopted statewide cross-district open enrollment, it could improve its grade to a C+.

Governor Bill Lee signed Senate Bill 1817, introduced by Sen. Bill Powers, which requires that districts continue to serve students in 11th or 12th grade who move outside of their boundaries due to a parent's military orders until the student withdraws or graduates. It also requires districts to be ready to implement the Individualized Education Plan (IEP) or

²¹⁸ 2024 Tennessee Code §49-6-3104, www.law.justia.com/codes/tennessee/title-49/chapter-6/part-31/section-49-6-3104/ (accessed 1 June 2026); 2024 Tennessee Code §49-6-3003, www.law.justia.com/codes/tennessee/title-49/chapter-6/part-30/section-49-6-3003/ (accessed 1 June 2026).

²¹⁹ 2024 Tennessee Code §49-2-128, www.law.justia.com/codes/tennessee/title-49/chapter-2/part-1/section-49-2-128/ (accessed 1 June 2026).

504 plans for transfer students whose parents are active duty military upon their enrollment.²²⁰

In 2026, Senate Bill 0328, introduced by Sen. Adam Lowe, would have established a statewide cross-district open enrollment program, improved state-level transparency, and ensured that rejected applicants are informed as to why they rejected. If codified, the bill would have improved Tennessee's score 82 points, or a B grade.²²¹ It passed the state's upper chamber, but its companion in the House failed to pass the House K-12 Subcommittee of Education Committee.²²²

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

²²⁰ Tennessee General Assembly, 114th General Assembly (2025-2026), SB 1817, www.wapp.capitol.tn.gov/apps/BillInfo/Default?BillNumber=SB1817&GA=114 (accessed 2 June 2026).

²²¹ Tennessee General Assembly, 114th General Assembly (2025-2026), SB 0328, www.wapp.capitol.tn.gov/apps/BillInfo/Default?BillNumber=SB0328&GA=114 (accessed 19 May 2026).

²²² Tennessee General Assembly, 114th General Assembly (2025-26), HB 0349, www.wapp.capitol.tn.gov/apps/BillInfo/Default?BillNumber=HB0349&GA=114 (accessed 19 May 2026).

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 2023-24 school year, more than 229,000 students used the state's student transfer option, about 4% of students enrolled in traditional public schools.²²³ While Texas boasts a robust transparency system, the state falls short when it comes to open enrollment transparency.²²⁴

Voluntary within-district transfers are at the discretion of the school district.²²⁵ 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.²²⁶ Based on the evidence, the school district decides to accept or reject the transfer students' petitions.²²⁷

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.²²⁸

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

²²³ Jude Schwalbach, "K-12 open enrollment by the numbers: 2025," Reason Foundation, Policy Study, May 27, 2025, www.reason.org/policy-study/k-12-open-enrollment-by-the-numbers-2025/ (accessed 1 June 2026).

²²⁴ Texas Education Agency, "Enrollment Trends," www.tea.texas.gov/reports-and-data/school-performance/accountability-research/enrollment-trends (accessed 1 June 2026); 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 June 2026); 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 June 2026).

²²⁵ Texas Constitution and Statutes, Education Code, Title 2, §25.032, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 1 June 2026).

²²⁶ Texas Constitution and Statutes, Education Code, Title 2, §25.033, www.statutes.capitol.texas.gov/?tab=1&code=ED&chapter=ED.25&artSec=25.033 (accessed 1 June 2026).

²²⁷ Texas Constitution and Statutes, Education Code, Title 2, §25.034, www.statutes.capitol.texas.gov/?tab=1&code=ED&chapter=ED.25&artSec=25.034 (accessed 1 June 2026).

²²⁸ 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 June 2026).

unsanctioned student transfers can be incarcerated for up to 10 years and fined up to \$10,000.²²⁹

Texas scored 36 points—a grade of F—tying for 25th place with New Jersey and Missouri. By adopting statewide cross- and within-district open enrollment, the Lone Star State could improve its grade to a B.

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

²²⁹ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

UTAH RANKS 5TH 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.²³⁰ Students' whose school closes permanently automatically become eligible for a within-district transfer.²³¹

Districts cannot charge transfer students for tuition or fees. 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.²³² Schools cannot typically transport transfer students across district boundaries.

The Beehive State scored 91 points, a grade of A-, ranking 5th overall. Only Arkansas, Arizona, Idaho, Oklahoma, and West Virginia scored better than Utah.

²³⁰ 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 June 2026).

²³¹ Utah State Legislature, H.B. 341 School Closures Amendments, www.le.utah.gov/%7E2024/bills/static/HB0341.html (accessed 1 June 2026)

²³² Schwalbach, "K-12 open enrollment by the numbers: 2025."

Gov. Spencer Cox signed Senate Bill 167, sponsored by Sen. Daniel McCay and Rep. Angela Romero, into law. Now districts can deny transfer applicants due to a their history of school safety incidents or safe-school violations.²³³

State Representative Cheryl K. Acton introduced House Bill 528, which would have codified state-level open enrollment reporting, requiring the state education agency to publish the number of transfers and denied applicants. The bill passed the House and Senate Economic Development and Workforce Services Committee, but died in the Senate. If it had been codified, it would have improved Utah's score to 94 points, an A grade.²³⁴

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-

²³³ Utah State Legislature, S.B. 167 Reintegration for Disciplined Students, www.le.utah.gov/Session/2026/bills/static/SB0167.html (accessed 2 June 2026).

²³⁴ Jude Schwalbach, "Utah House Bill 528 would significantly improve open enrollment transparency," Reason Foundation, Testimony, February 24, 2026, www.reason.org/testimony/utah-house-bill-528-would-significantly-improve-open-enrollment-transparency/ (accessed 20 May 2026).

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.²³⁵

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.²³⁶ 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.²³⁷

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

Gov. Abigail Spanberger signed House Bill 290, introduced by Delegate Jessica Anderson, into law that requires the State Department of Education and Virginia State Crime Commission to develop a report about address sharing. The report will identify how often address sharing occurs and recommendations to prevent address sharing other than criminal penalties.²³⁸

²³⁵ 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 June 2026).

²³⁶ 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 June 2026).

²³⁷ 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=NC3D4F0608F8B11DBAEB0F162C0EFAF87 (accessed 1 June 2026).

²³⁸ Virginia State Legislative Information System, “2026 Regular Session HB290,” www.lis.virginia.gov/bill-details/20261/HB290 (accessed 10 July 2026).

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

- 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. According to a 2026 policy brief published by the non-partisan organization Blueprint Labs, about 20% of Kindergarten, 6th, and 9th grade students submitted a within-district transfer application.²³⁹

Districts only provide information about cross-district open enrollment upon request.²⁴⁰ Students seeking to transfer schools cannot be charged tuition.²⁴¹ Rejected applicants can only appeal to a non-district entity under limited circumstances, but districts must inform them in writing why they were denied.²⁴²

All school districts are required to participate in statewide within-district open enrollment.²⁴³ 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.²⁴⁴ Districts must prioritize transfer applications for students who are children of the full-time teaching staff. Within-district transfer students cannot be charged tuition.²⁴⁵ Parents, however, who falsify their address for unsanctioned student transfers can be fined up to \$500.²⁴⁶

²³⁹ Raymond Han, Clémence Idoux, and Hailey Karcher, "Open Enrollment in Seattle: From 2000-Present," Blueprint Labs, MIT Policy Brief, March 2026, www.seattleschools.org/wp-content/uploads/2026/04/Blueprint-Labs_SPS_Memo.pdf (accessed 20 May 2026).

²⁴⁰ RCW 28A.225.225, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.225 (accessed 2 June 2026).

²⁴¹ RCW 28A.225.220, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.220 (accessed 2 June 2026).

²⁴² RCW 28A.225.230, www.apps.leg.wa.gov/rcw/default.aspx?cite=28a.225.230 (accessed 2 June 2026).

²⁴³ RCW 28A.225.270, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.270 (accessed 2 June 2026).

²⁴⁴ RCW 28A.225.290, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.290 (accessed 2 June 2026); RCW 28A.225.300, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.300 (accessed 2 June 2026).

²⁴⁵ RCW 28A.225.210, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.210 (accessed 2 June 2026).

²⁴⁶ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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.

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 TIES FOR 4TH PLACE.



All West Virginia school districts must participate in both cross- and within-district open enrollment.²⁴⁷ During the 2024-25 school year, nearly 8,200 students used open enrollment, about 3% of students in public schools.²⁴⁸

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 4th overall. 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.

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

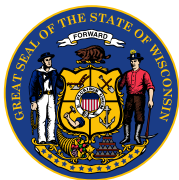
- Require school districts to post their available capacity by grade level.
- Make public schools open to all students regardless of ability.
- Publish the annual open enrollment report by LOCEA.

²⁴⁷ West Virginia Code, §18-5-16. Student transfers; definitions; appeals; calculating net enrollment; fees for transfer, www.code.wvlegislature.gov/18-5-16/ (accessed 2 June 2026).

²⁴⁸ Schwalbach, "Many Families Choose Public Schools Other Than Their Assigned Ones."

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 RANKS 10TH OVERALL.



All districts must participate in Wisconsin’s statewide cross-district open enrollment option so long as they have available capacity. In fact, about 62,000 students used cross-district open enrollment during the 2024-25 school year, approximately 8% of students in Wisconsin’s brick and mortar public schools.²⁴⁹ 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. However, 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. The latest data showed that 21% of rejected applicants were denied for special-education-related reasons.²⁵⁰ 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. School districts are required to inform rejected applicants why they were denied in writing, who can then appeal their denials to the Department of Public Instruction.²⁵¹

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.²⁵² Also, Wisconsin does not permit districts to charge tuition to transfer students. Wisconsin’s student funding

²⁴⁹ Santistevan, “The Wisconsin Inter-District Public School Open Enrollment Program.”

²⁵⁰ Ibid.

²⁵¹ Wisconsin State Legislature, §118.51, www.docs.legis.wisconsin.gov/statutes/statutes/118/51; (accessed 2 June 2026); Wisconsin State Legislature, §118.57, www.docs.legis.wisconsin.gov/statutes/statutes/118/57 (accessed 2 June 2026); Wisconsin Department of Instruction, Public School Open Enrollment, www.dpi.wi.gov/open-enrollment (accessed 2 June 2026); Will Flanders, “K-12 open enrollment in Wisconsin: Key lessons for other states,” Reason Foundation, Policy Brief, February 9, 2023, www.reason.org/policy-brief/k-12-open-enrollment-in-wisconsin-key-lessons-for-other-states/ (accessed 2 June 2026); Public Schools without Boundaries 2026 mistakenly did not give Wisconsin full credit for its robust appeals process.

²⁵² Wisconsin Department of Public Instruction, Open Enrollment Data and Reports, www.dpi.wi.gov/open-enrollment/data (accessed 2 June 2026); 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 2 June 2026).

mechanism is cutting edge, allowing all education dollars to follow each transfer student regardless of where they go to school.²⁵³

Wisconsin scored 81 points, a grade of B-, ranking 10th overall. By adopting statewide within-district open enrollment, the Badger State could improve its grade to an A.

Gov. Tony Evers signed Senate Bill 134, introduced by Sens. Andre Jacqué and Cory Tomczyk, into law. The new code expands the open enrollment transfer window from 30 to 90 days after a transfer applicant's parent receives military orders that require a change in residence.²⁵⁴

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)	2
Total Points (100)	81
Final Grade	B-

²⁵³ 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 2 June 2026).

²⁵⁴ Wisconsin State Legislature, 2025-2026 Wisconsin Legislature, Senate Bill 134, www.docs.legis.wisconsin.gov/2025/proposals/reg/sen/bill/sb134 (accessed 2 June 2026).

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.²⁵⁵ The state code also permits voluntary within-district open enrollment, but participation is at the discretion of each district.²⁵⁶

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 26th overall with three 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.

²⁵⁵ 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 2 June 2026).

²⁵⁶ 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 2 June 2026).

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

CONCLUSION

In 2026, policymakers in at least 32 states considered 103 proposals related to open enrollment. In 17 of these states, 36 of these proposals would have significantly improved their open enrollment scores per Reason’s best practices. Notably, five of them passed at least one legislative chamber. Just two states—Iowa and Vermont—significantly improved their open enrollment laws during the 2026 legislative sessions. Both the Hawkeye State and Green Mountain State strengthened their state-level transparency reporting, collecting new data on open enrollment participation. Additionally, South Carolina’s Department of Education also released an excellent model policy with which all districts must comply. Under its robust cross- and within-district open enrollment policies, public schools are required to be open to all students and must adopt robust state-level transparency and appeals provisions, fully complying with five out of Reason Foundation’s seven open enrollment best practices, except that the regulations are rules, not laws, and can be undermined under a different administration, regardless of legislative intent.

However, no states fully adopted Reason Foundation’s best practices regarding statewide cross- or within-district open enrollment, making public schools open to all students regardless of ability or disability, transparent state or district reporting, or a robust appeals process. While Iowa and Vermont strengthened their state-level reporting, this form of transparency remains the most common weakness in state policies nationwide. In most cases, making open enrollment more transparent at the state level only requires minor tweaks to state code as at least 14 states collect some of this data, but aren’t required to

publicly report it.²⁵⁷ On the other hand, a scan of 45 states revealed that 14 other states don't collect any data on open enrollment participants.²⁵⁸ Strengthening this provision would make the open enrollment process more transparent to policymakers, taxpayers, and families—an increasingly important factor as K-12 enrollments decline nationwide.²⁵⁹

²⁵⁷ Schwalbach, “Many Families Choose Public Schools Other Than Their Assigned Ones.”

²⁵⁸ Ibid.

²⁵⁹ Jude Schwalbach, “Transparent K-12 open enrollment data matters to parents, policymakers and taxpayers,” Reason Foundation, Policy Study, July 18, 2024, www.reason.org/policy-brief/transparent-k-12-open-enrollment-data-matters-to-parents-policymakers-taxpayers/ (accessed 2 June 2026).

PART 7

ABOUT THE AUTHOR

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APPENDIX

SUMMARY 2026 OPEN ENROLLMENT PROPOSALS' IMPACT ON STATES' SCORES

