

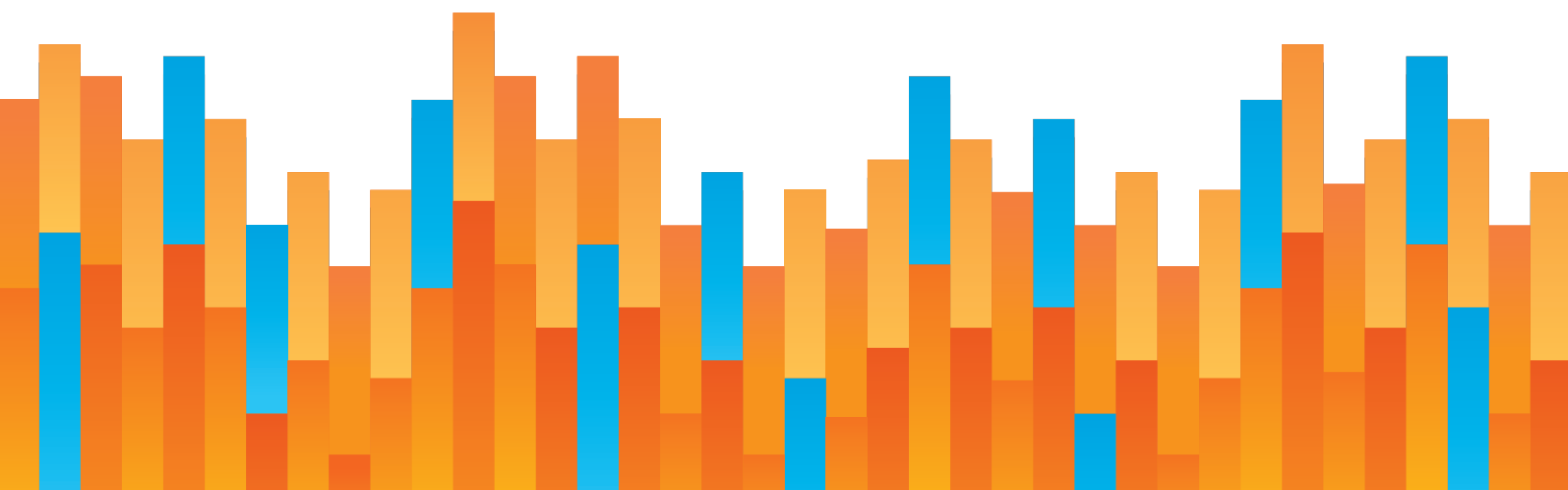


reason
FOUNDATION

TRANSPARENT K-12 OPEN ENROLLMENT MATTERS: REPORTING THE DATA THAT INFORM POLICYMAKERS, TAXPAYERS, AND FAMILIES

by Jude Schwalbach

July 2024





reason
FOUNDATION

Reason Foundation's mission is to advance a free society by developing, applying, and promoting libertarian principles, including individual liberty, free markets, and the rule of law. We use journalism and public policy research to influence the frameworks and actions of policymakers, journalists, and opinion leaders.

Reason Foundation's nonpartisan public policy research promotes choice, competition, and a dynamic market economy as the foundation for human dignity and progress. Reason produces rigorous, peer-reviewed research and directly engages the policy process, seeking strategies that emphasize cooperation, flexibility, local knowledge, and results. Through practical and innovative approaches to complex problems, Reason seeks to change the way people think about issues, and promote policies that allow and encourage individuals and voluntary institutions to flourish.

Reason Foundation is a tax-exempt research and education organization as defined under IRS code 501(c)(3). Reason Foundation is supported by voluntary contributions from individuals, foundations, and corporations. The views are those of the author, not necessarily those of Reason Foundation or its trustees.

TABLE OF CONTENTS

PART 1 INTRODUCTION..... 1

PART 2 A SNAPSHOT OF OPEN ENROLLMENT DATA ACROSS THE STATES 3

2.1 KEY OPEN ENROLLMENT DATA 3

2.2 THE QUALITY OF OPEN ENROLLMENT DATA PUBLISHED IN EACH STATE 4

PART 3 WISCONSIN’S TRANSPARENT OPEN ENROLLMENT REPORTS ARE THE GOLD STANDARD..... 6

3.1 A COMPREHENSIVE APPROACH..... 7

3.2 DRILLING INTO THE DETAILS 7

PART 4 CONCLUSION 11

4.1 KEY TAKEAWAYS FOR STATE POLICYMAKERS..... 11

ABOUT THE AUTHOR..... 12

APPENDIX QUALITY OF SEA OPEN ENROLLMENT REPORTS IN ALL 50 STATES 13

PART 1

INTRODUCTION

K-12 open enrollment lets students transfer outside their residentially assigned schools so long as seats are available. EdChoice’s February polling found that 78% of school parents supported this burgeoning public school choice policy and only 13% outright opposed it.¹ In fact, approximately 668,000 students used open enrollment during the 2022-23 school year in just eight states.²

Open enrollment operates in two ways: Cross-district open enrollment lets students transfer to school districts outside the one they live in, while within-district open enrollment lets students transfer to schools inside their school district, but outside their residentially assigned catchment area. Policymakers are aware of the growing appetite for open enrollment. During the 2024 legislative sessions, state legislators in least 23 states introduced 54 open enrollment proposals.³ Six states—Arkansas, Idaho, Montana, Nebraska,

¹ EdChoice and Morning Consult, “The Public, Parents, and K-12 Education: A National Polling Report,” March 2024, <https://edchoice.morningconsultintelligence.com/assets/286023.pdf> (accessed 5 May 2024).

² Authors’ calculations based on open enrollment data from Colorado, Florida, Indiana, Iowa, Massachusetts, Minnesota, South Dakota, and Wisconsin. Unfortunately, data from Arizona and Ohio wasn’t available yet, but data from the previous school year was available. Using data from the 2021-22 school year, more than 855,000 students used open enrollment in the aforementioned states. Jude Schwalbach, “Funding Education Opportunity: Preparing for the 2024 legislative sessions, news from Tennessee, Wyoming, and Missouri, and more,” Reason Foundation, 18 Dec. 2023, www.reason.org/education-newsletter/funding-education-opportunity-preparing-for-the-2024-legislative-sessions-news-from-tennessee-wyoming-and-missouri-and-more/ (accessed 1 February 2024).

³ Policymakers in Arizona, California, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Rhode Island,

North Dakota, and West Virginia—signed them into law last year.⁴ Now a total of 16 states have strong statewide cross-district open enrollment laws, while 13 states have strong statewide within-district open enrollment laws.⁵ Strong open enrollment laws are distinguished by the fact that all school districts with available capacity must participate in the program. This ensures that students can fill every available seat.⁶



Cross-district open enrollment lets students transfer to school districts outside the one they live in, while within-district open enrollment lets students transfer to schools inside their school district, but outside their residentially assigned catchment area.



Accordingly, state policymakers should codify that state education agencies (SEAs) must publish annual reports that include detailed data on open enrollment. These reports should be made available to the general public and published on the SEA's website, as well as sent to the state's legislature and governor for review.

This issue brief provides a roadmap to policymakers to make open enrollment laws stronger by requiring SEAs to publish transparent reports that include important open enrollment data. Without good data, policymakers, taxpayers, and parents can neither make informed decisions about programs nor hold school districts accountable for their open enrollment practices. Highly transparent open enrollment reports, published annually by the SEA, are an important first step to remedy this problem.

Tennessee, Utah, Virginia, West Virginia, and Wisconsin introduced open enrollment proposals during the 2024 legislative sessions.

⁴ Jude Schwalbach, "Public Schools Without Boundaries: Examining every state's open enrollment policies," Reason Foundation, 26 Oct. 2023, www.reason.org/open-enrollment/public-schools-without-boundaries-2023/ (accessed 7 February 2024); Jude Schwalbach, "Ranking the K-12 open enrollment laws passed in 2023," Reason Foundation, 4 Dec. 2023, www.reason.org/commentary/ranking-the-k-12-open-enrollment-laws-passed-in-2023/ (accessed 7 February 2024).

⁵ Ibid.

⁶ Jude Schwalbach, "Frequently asked questions on public school open enrollment," Reason Foundation, 25 Aug. 2022, www.reason.org/faq/frequently-asked-questions-on-public-school-open-enrollment/ (accessed 29 September 2023).

PART 2

A SNAPSHOT OF OPEN ENROLLMENT DATA ACROSS THE STATES

2.1

KEY OPEN ENROLLMENT DATA

Data on open enrollment programs are scarce since SEAs rarely distinguish between students using open enrollment from residentially assigned students in their annual reports on student enrollment. This makes it difficult for policymakers, researchers, and the public to assess the effect of open enrollment programs. Accordingly, state policymakers should require SEAs to publish highly transparent reports on open enrollment each year on their websites. These reports should include important open enrollment data by school district, the number of transfer students, the number of rejected transfer applicants, and why their applications were rejected.⁷

⁷ Schwalbach, “Public Schools Without Boundaries: Examining every state’s open enrollment policies.” To avoid violating students’ privacy, the SEA should only publish district level data that represent 20 or more students.

TABLE 1: BASIC OPEN ENROLLMENT DATA THAT EVERY SEA SHOULD BE REQUIRED TO PUBLISH ANNUALLY

The total number of transfer students by district	✓
The total number of rejected transfer applicants by district	✓
The reasons transfer applications were rejected	✓

The first data point in Table 1 lets the public gauge the impact of open enrollment on each school district and highlights how many student transfers school districts can and have accommodated. The second criterion, the number of rejected applicants by district, shows student demand for the district, this can inform taxpayers' decisions to levy additional funds to expand school facilities or increase staff.⁸ The final data point ensures that districts don't reject applicants for arbitrary reasons because families can use these data to reveal unfair or bad open enrollment practices. For instance, if a school district's enrollment declines, yet it continues to reject transfer applicants at the same rate, families can use this information to appeal their students' rejected transfer applications. Without these highly transparent reports, policymakers and families lack the data to hold school districts accountable for open enrollment practices or make informed decisions about local requests to levy taxes.

2.2

THE QUALITY OF OPEN ENROLLMENT DATA PUBLISHED IN EACH STATE

Only three states—Oklahoma, Kansas, and Wisconsin—are required by law to publish the basic open enrollment data from Table 1.⁹ Kansas' open enrollment law, however, does not go into effect until 2024, so the state has yet to publish any SEA reports.

Some states collect and publish open enrollment data to varying degrees. In fact, 13 states report the total number of transfer students by school district, six states report the number of transfer applicants by school district, only five states report the reasons applications

⁸ Christian Barnard, "Three areas in K-12 education that need more transparency," *RealClear Education*, 11 Jan. 2023, www.realcleareducation.com/articles/2023/01/11/three_areas_in_k-12_education_that_need_more_transparency_110807.html (accessed 29 March 2024).

⁹ Schwalbach, "Public Schools Without Boundaries: Examining every state's open enrollment policies."

were rejected, and six states require that their open enrollment reports are made public by law.¹⁰

For instance, West Virginia and Nebraska collect and report all open enrollment data to the state legislature, but the reports are not necessarily made available to the public.¹¹ Eight other states with statewide open enrollment publish reports including some of these data, but the SEAs fail to provide a comprehensive analysis.¹² For example, while the Arizona Department of Education does not include the number of rejected applicants or the reasons why their applications were rejected in its annual report, it does report the total number of transfer students, showing how many students use cross- or within-district open enrollment to transfer into each school district.¹³ These states can vastly improve their open enrollment transparency by collecting all important open enrollment data and making it publicly available on SEA websites.



Surprisingly, states with impressive open enrollment laws, such as Florida, Utah, and Delaware, do not publish important open enrollment data in annual SEA reports.



Surprisingly, states with impressive open enrollment laws, such as Florida, Utah, and Delaware, do not publish important open enrollment data in annual SEA reports. In particular, Florida stands out since the SEA collects important open enrollment data, such as the number of cross- and within-district transfer students, by school district, but does not publish it.¹⁴

¹⁰ Several states, such as Louisiana and Arkansas, require their SEAs to publish important open enrollment data for extremely limited programs. For instance, Louisiana's required open enrollment reporting only pertains to students assigned to failing public schools. Due to the limited nature of these programs, they do not receive a checkmark in our scoresheet.

¹¹ Schwalbach, "Public Schools Without Boundaries: Examining every state's open enrollment policies."

¹² Jude Schwalbach, "New data shows Arizona's public schools, including rural ones, can compete in an education marketplace," Reason Foundation, 3 Oct. 2023, www.reason.org/commentary/new-data-shows-arizonas-public-schools-including-rural-ones-can-compete-in-an-education-marketplace/ (accessed 7 February 2024).

¹³ Ibid.

¹⁴ Schwalbach, "Public Schools Without Boundaries: Examining every state's open enrollment policies."

PART 3

WISCONSIN'S TRANSPARENT OPEN ENROLLMENT REPORTS ARE THE GOLD STANDARD

Every year the Wisconsin Department of Public Instruction (DPI) publishes a comprehensive report about open enrollment aimed at the governor and state legislature. This report includes a detailed description of the open enrollment program, data on applications and transfers, and applications and denials.¹⁵ Every report is available on DPI's website.¹⁶

¹⁵ Wisconsin's open enrollment report only pertains to cross-district transfers since within-district open enrollment is not required by the state. A state with both cross- and within-district open enrollment should report transfer data on both when the SEA publishes its annual open enrollment report.

¹⁶ Keri Gensler Santistevan, "The Wisconsin Inter-District Public School Open Enrollment Program: A Report to the Governor and the Legislature," Wisconsin Department of Public Instruction, dpi.wi.gov, Dec. 2023, www.dpi.wi.gov/open-enrollment/data (accessed 1 February 2024).

3.1

A COMPREHENSIVE APPROACH

A detailed description of the open enrollment program and how it functions provides clarity about program implementation, citing pertinent state and administrative codes. This ensures that policymakers and taxpayers understand how the program works. It also includes a detailed description about how the state funds transfer students. For instance, the Wisconsin report shows how state aid has been annually adjusted since the late 1990s, accounting for increases and decreases in funding and providing pertinent explanations. In particular, these data show that state funds per transfer student increased by nearly \$3,700 between the 1998-99 and 2022-23 school years.¹⁷ This provides a financial history of the program that can inform policymakers' and taxpayers' decisions.



A detailed description of the open enrollment program and how it functions provides clarity about program implementation, citing pertinent state and administrative codes.



The report also includes the uniform per pupil amounts the state legislature allocated to transfer students and the increased amount allocated to transfer students with disabilities. Moreover, school districts can apply to DPI for a reimbursement of up to \$30,000 after the first year of a student's transfer if the cost of educating a student with disabilities exceeds the uniform per pupil allocation.¹⁸

3.2

DRILLING INTO THE DETAILS

The Badger State's open enrollment report also provides detailed information about transfer applications and transfers. In particular, the report captures five key open enrollment data better than any other state, specifically:

- The report identifies the total number of transfer applications and total number of transfer students, distinguishing between new transfer students and continuing

¹⁷ Ibid.

¹⁸ Ibid.

transfer students, who previously transferred and remained in their non-assigned school. This distinction shows how students use open enrollment and how they can affect long-term enrollment trends.

- The report shows why students want to transfer schools by reporting the criteria for applications, such as the best interest of the student, homelessness, new state resident, bullying, military orders, victim of a crime, or custody changes.¹⁹ The report tracks important data about transfer applications and denials, showing the total number of applications, denials, and the reasons for denials. Reasons for rejection include: insufficient capacity, expulsion, habitual truancy, or a lack of comparable pre-K. This includes the sum of denials for each category.
- The report summarizes most of its transfer data at a district level, showing the number of applications and transfers in and out of each district, and the potential and actual changes to enrollment.
- Lastly, the report also identifies school districts that regularly reject transfer applicants and the most common reasons why transfer applicants were rejected. For instance, during the 2022-23 school year, Wisconsin DPI identified the school districts that rejected one in five transfer applicants. It also listed the most common reasons why applicants were rejected. However, the report doesn't identify reasons applicants were rejected with particular school districts to protect students' privacy.²⁰

Taken together, these data provide detailed insights about open enrollment. For instance, since the program's first cohort of 2,500 participants during the 1997-98 school year, open enrollment participation grew to 73,280 students, an increase of more than 2,800%, during the 2022-23 school year. These data showed that when policymakers increase the per pupil amount that follows transfer students to their new school districts by about \$1,000, school districts tend to accept 47 more transfer applicants than previously.²¹

¹⁹ Ibid.

²⁰ Ibid.

²¹ Will Flanders, "K-12 open enrollment in Wisconsin: key lessons for other states," Reason Foundation, 9 Feb. 2023, www.reason.org/policy-brief/k-12-open-enrollment-in-wisconsin-key-lessons-for-other-states/ (accessed 5 February 2024); Jude Schwalbach, "Wisconsin's K-12 open enrollment program is working for rural school districts," Reason Foundation, 2 Feb. 2024, www.reason.org/commentary/wisconsins-k12-open-enrollment-working-rural-urban-school-districts/ (accessed 5 February 2024).



These data showed that when policymakers increase the per pupil amount that follows transfer students to their new school districts by about \$1,000, school districts tend to accept 47 more transfer applicants than previously.



The data also reveal how changes to open enrollment laws can affect student participation. For instance, program participation spiked by nearly 20% during the 2012-13 school year after state policymakers passed a new law that let students transfer mid-year.²²

At the same time, the reports show how school districts' open enrollment practices can adversely affect certain student groups. For example, using DPI's open enrollment reports, Wisconsin Watch reported in 2023 that "Schools rejected about 40% of applications [from students with disabilities], with lack of special education space as the most common reason for the denials. By comparison, school districts rejected only 14% of applications from students without disabilities."²³ State policymakers have sought to address this issue by providing additional state funds for transfer students with disabilities.²⁴ School districts received \$13,076 in state aid per transfer student with disabilities during the 2022-23 school year.²⁵

Lastly, these reports can reveal when school districts reject transfer applicants at unusually high rates. During the 2022-23 school year, 214 school districts rejected one in five transfer applicants. Some of these rejections make sense since some school districts filled all of their available seats, or rejected applicants for disciplinary reasons, such as previous expulsions. Yet in other cases, school districts continued to reject transfer applicants at a high rate, even though their overall enrollment declined.

²² Flanders, "K-12 open enrollment in Wisconsin: key lessons for other states."

²³ Mario Koran, "Wisconsin students with disabilities often denied public school choices," 31 May 2023, Wisconsin Watch, www.wisconsinwatch.org/2023/05/wisconsin-public-schools-students-disabilities-options/ (accessed 6 February 2024).

²⁴ Flanders, "K-12 open enrollment in Wisconsin: key lessons for other states."

²⁵ Santistevan, "The Wisconsin Inter-District Public School Open Enrollment Program: A Report to the Governor and the Legislature."

For instance, Wauwatosa School District rejected 717 transfer applicants during the 2022-23 school year, stating that the school district didn't have the room for 82% of the rejected applicants. However, Wauwatosa School District's total enrollment declined by nearly 300 students since the 2019-20 school year.²⁶ At the same time, the district accepted 162 fewer transfer students during the 2022-23 school year than it did during 2019-20. Even though more seats were available in 2022-23 than in 2019-20 when the district's enrollment was higher, the school district continued to reject transfer applicants at an unusually high rate even though it served fewer students. During this time, the per pupil funding that follows transfer students to their receiving school district increased by more than \$800.²⁷ This illustrates how school districts' high rejection rates can appear strange. Parents, taxpayers, and policymakers can use these data to hold school districts accountable for their open enrollment practices.



Parents, taxpayers, and policymakers can use these data to hold school districts accountable for their open enrollment practices.



In sum, Wisconsin's annual open enrollment report provides an invaluable resource for policymakers, taxpayers, and families. Not only does it provide a clean and uniform approach to how open enrollment functions in the state, it also provides clear data on how school districts implement open enrollment, holding them accountable. State policymakers should model their open enrollment reports after Wisconsin's.

²⁶ Wisconsin Information System for Education, "Enrollment," Wisconsin Department of Education, dpi.wi.gov, www.dpi.wi.gov/wisedash (accessed 12 February 2024).

²⁷ Santistevan, "The Wisconsin Inter-District Public School Open Enrollment Program: A Report to the Governor and the Legislature."

PART 4

CONCLUSION

4.1 KEY TAKEAWAYS FOR STATE POLICYMAKERS

State policymakers should codify in their open enrollment laws that the SEA must annually publish a detailed report on the latest open enrollment data, including the number of transfer students by district, the number of rejected applicants by district, and why those applications were rejected. This report should be available to the public on the SEA website. States that codify these criteria would receive a checkmark on Reason Foundation’s open enrollment best practices for transparent SEA reporting, improving their overall ranking when compared to other states.²⁸

States that already publish some or all of this data should also publish additional data to make the reports more nuanced and comprehensive. These improvements would increase district accountability to families and taxpayers and give state policymakers the tools to refine their open enrollment policies in the future.

²⁸ Schwalbach, “Public schools without boundaries: Examining every state’s open enrollment policy.”

ABOUT THE AUTHOR

Jude Schwalbach is a senior policy analyst at Reason Foundation, a non-profit think tank advancing free minds and free markets. Schwalbach previously worked at The Heritage Foundation's Center for Education Policy where his research focused on expanding educational opportunities for K-12 students and reducing the federal footprint in education. He also taught high school in Phoenix, Arizona.

Schwalbach's writings have appeared in *The 74*, *The Hill*, *National Review*, *The Washington Examiner*, and *Orange County Register*. Schwalbach holds a B.A. in philosophy from Thomas Aquinas College and an M.A. in political philosophy from Hillsdale College.

He is based in Indiana.

APPENDIX: QUALITY OF SEA OPEN ENROLLMENT REPORTS IN ALL 50 STATES

State	Reports number of transfer students by district	Reports number of transfer applicants by district	Reports why applications were rejected	SEA is required by law to publish any open enrollment report
Alabama	X	X	X	X
Alaska	X	X	X	X
Arizona	✓	X	X	✓
Arkansas	X	X	X	X
California	X	X	X	X
Colorado	X	X	X	X
Connecticut	X	X	X	X
Delaware	X	X	X	X
Florida	X	X	X	X
Georgia	X	X	X	X
Hawaii	X	X	X	X
Idaho	✓	✓	X	✓
Illinois	X	X	X	X
Indiana	✓	X	X	✓
Iowa	✓	X	X	X
Kansas	✓	✓	✓	✓
Kentucky	X	X	X	X
Louisiana	X	X	X	X
Maine	X	X	X	X
Maryland	X	X	X	X
Massachusetts	X	X	X	X
Michigan	X	X	X	X

State	Reports number of transfer students by district	Reports number of transfer applicants by district	Reports why applications were rejected	SEA is required by law to publish any open enrollment report
Minnesota	✓	X	X	X
Mississippi	X	X	X	X
Missouri	X	X	X	X
Montana	✓	X	X	X
Nebraska	✓	✓	✓	X
Nevada	X	X	X	X
New Hampshire	X	X	X	X
New Mexico	X	X	X	X
New York	X	X	X	X
North Carolina	X	X	X	X
North Dakota	X	X	X	X
Ohio	X	X	X	X
Oklahoma	✓	✓	✓	✓
Oregon	X	X	X	X
Pennsylvania	X	X	X	X
Rhode Island	X	X	X	X
South Carolina	X	X	X	X
South Dakota	✓	X	X	X
Tennessee	X	X	X	X
Texas	✓	X	X	X
Utah	X	X	X	X
Vermont	X	X	X	X
Virginia	X	X	X	X
Washington	X	X	X	X
West Virginia	✓	✓	✓	X
Wisconsin	✓	✓	✓	✓
Wyoming	X	X	X	X
Total	13	6	5	6

***Although Oklahoma’s SEA report meets Reason’s standards for good policy, the report has major shortcomings that significantly undermine its purpose, namely: the state only reports open enrollment from the previous quarter and does not make earlier open enrollment reports publicly available.**

