

VIRGINIA TIES FOR SECOND LAST.



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

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

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

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

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

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

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

²⁰⁷ Virginia Code Title 22.1. Education §22.1-3, §22.1-3.3, §22.1-7.1, www.codes.findlaw.com/va/title-22-1-education/#!tid=NC3D4F0608F8B11DBAEB0F162C0EFAF87 (accessed 1 July 2024).

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

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

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