

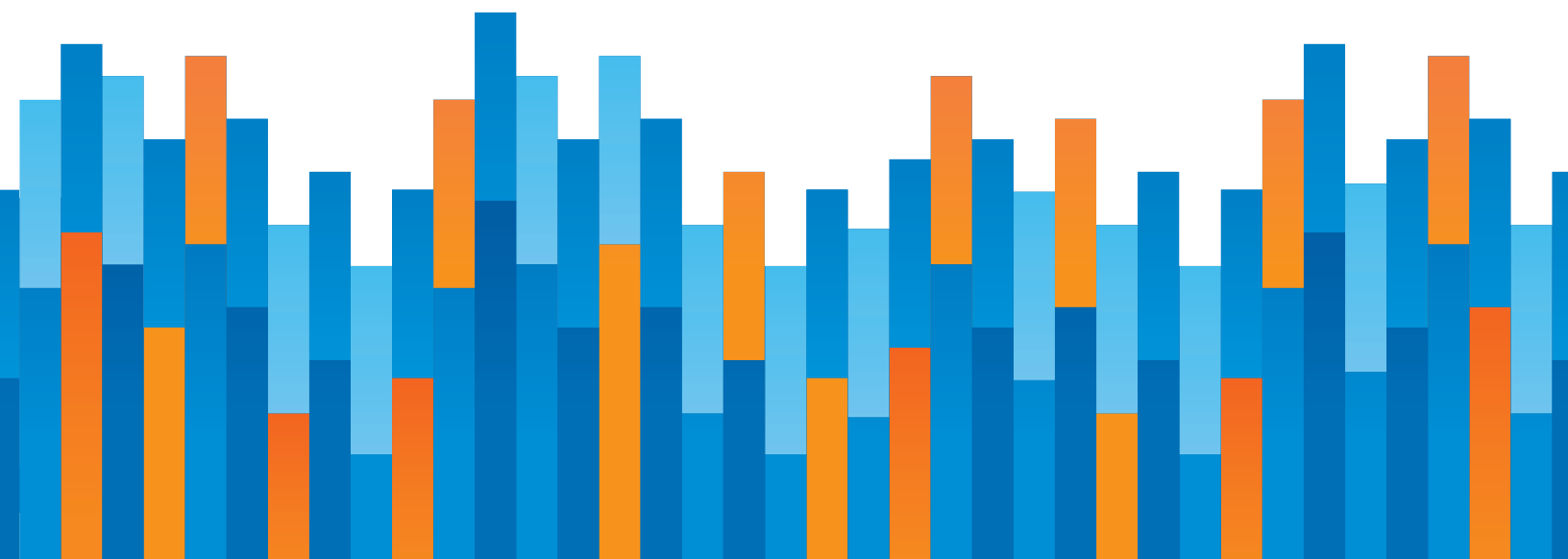


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PUBLIC SCHOOLS WITHOUT BOUNDARIES 2025

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 June 2025 by EdChoice-Morning Consult showed that 78% of school parents—including 84% of Republicans, 80% of Democrats, and 72% of Independents—support it. Moreover, of this subgroup, 84% of Republicans, 80% of Democrats, and 72% of Independents support the policy.¹ Additionally, Yes. every kid released national polling in November 2024 that showed that 65% of Americans support letting students attend schools that are the right fit, regardless of where they live or their families' financial circumstances. Moreover, 58% of respondents support ending residential assignment—the practice of assigning students to schools based on where they live—in public schools.² 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.³

¹ EdChoice-Morning Consult, “National Tracking Poll #2506017 June 05-08, 2025,” June 2025, www.edchoice.morningconsultintelligence.com/downloads/ (accessed 15 July 2025).

² Yes. every kid. Foundation, “National Survey: Voters Want Local Control Over K-12 Education,” November 5, 2024, www.yeseverykidfoundation.org/survey-voters-want-local-control-over-k-12-education/ (accessed 16 April, 2025).

³ 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 2023,” October 2024, www.nces.ed.gov/programs/digest/d24/tables/dt24_203.20.asp (accessed 14 May 2025).

About 39.4 million students, or 80% of students enrolled in public schools, reside in states with weak or ineffective open enrollment laws.⁴ Only 16 states had strong open enrollment laws in 2024.⁵ However, four states—Arkansas, Nevada, New Hampshire and South Carolina—significantly improved their open enrollment laws during the 2025 legislative sessions. At the same time, policymakers in 24 states introduced at least 54 bills that would have improved open enrollment laws if codified per Reason Foundation’s open enrollment best practices. On the other hand, one proposal introduced in Oklahoma would have significantly undermined states’ strong open enrollment laws. This study, the 4th edition of *Public Schools Without Boundaries*, updates Reason Foundation’s 2024 ratings and rankings of states’ open enrollment laws, highlights the latest open enrollment research, and provides other developments related to open enrollment.

⁴ Ibid.

⁵ Jude Schwalbach, “Public Schools Without Boundaries 2024,” Reason Foundation, Policy Study, October 29, 2024, www.reason.org/open-enrollment/2024-public-schools-without-boundaries/ (accessed 16 April 2025).

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.⁶ Since then, education researchers have published new studies on the topic. This section reviews the freshest open enrollment data available, how the policy benefits students, and 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 study of 19 states found that more than 1.6 million students used open enrollment to attend schools other than their assigned ones.⁷ Additionally, a 2025 report by the Bluegrass Institute estimated that approximately 26,000 students used cross-district open enrollment in Kentucky during the 2023-24 school year to attend brick and

⁶ 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 16 April 2025); 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 16 April 2025); Schwalbach, "Public Schools Without Boundaries 2024."

⁷ Jude Schwalbach, "K-12 open enrollment by the numbers: 2025," Reason Foundation, Policy Study, May 27, 2025, <https://reason.org/policy-study/k-12-open-enrollment-by-the-numbers-2025/> (accessed 27 May 2025)."

mortar schools.⁸ Combined with Reason Foundation’s research, more than 1,627,000 students used open enrollment in 20 states.

Reason Foundation’s 2025 study, “Open Enrollment by the Numbers,” shows that 16% of students on average used public funds to attend a school of their choice through open enrollment, charter schools, or private school scholarships in 19 states. Students using open enrollment accounted for 7% of publicly funded students in these states on average.⁹ Using the freshest data from each state, Figure 1 shows the different schooling options students paid for with public funds in each state.

However, participation often varied depending on the strength of a state’s open enrollment law. For instance, on average, students using open enrollment accounted for 10% of students enrolled in public schools in states with strong open enrollment laws, while they only accounted for 6% of students in public schools in states with weak open enrollment.¹⁰

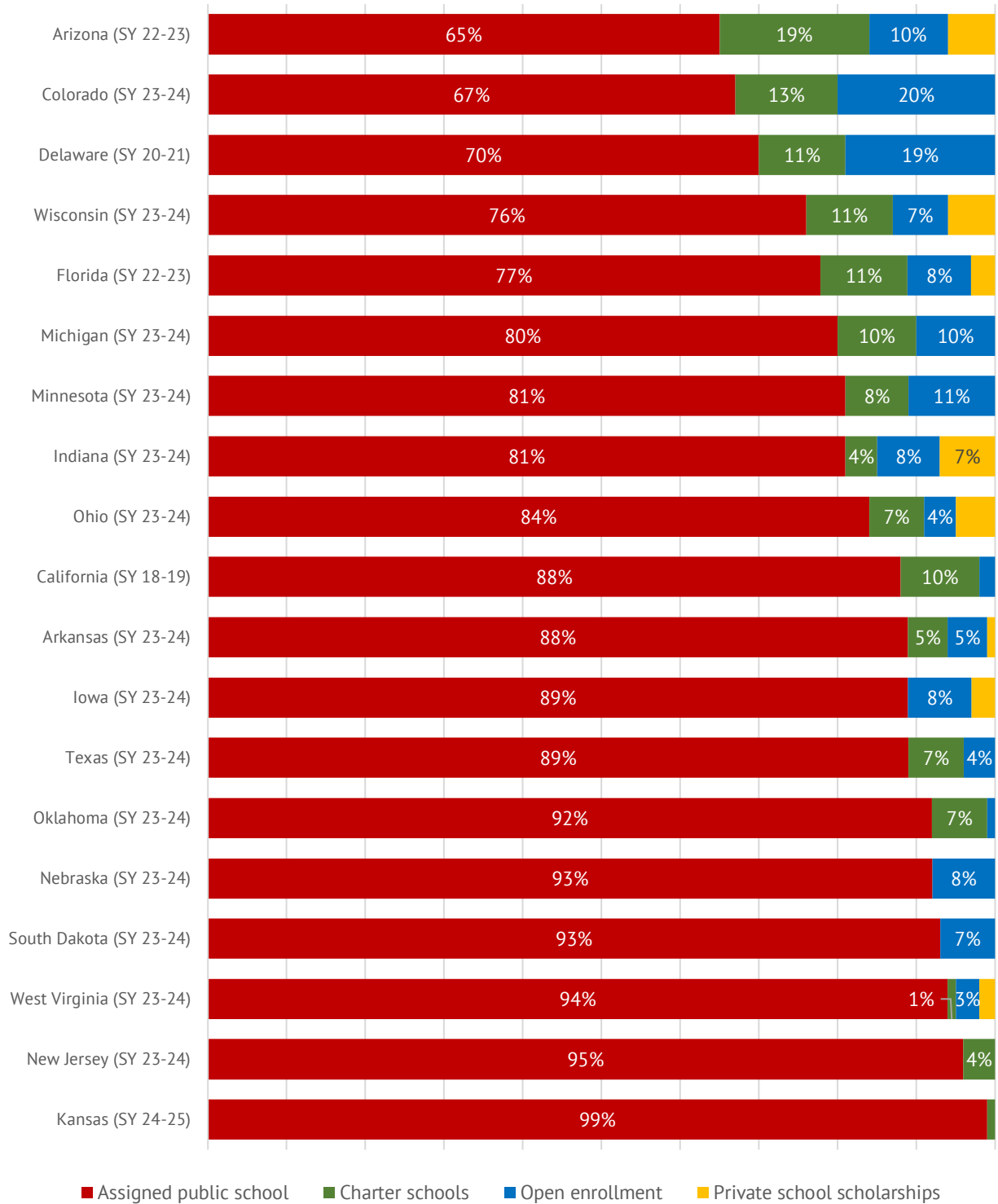
Based on data available from 10 states, the study also found that more than two in five students using open enrollment came from low-income households, accounting for about 148,000 transfers. Additionally, one in 10 transfers in these states were also students with disabilities (SWD), benefiting about 121,000 students.¹¹

⁸ John Garen, Ph.D., Gary Houchens, Ph.D., Richard Innes, “Public school open enrollment in Kentucky: policy issues regarding non-resident and transfer students,” Bluegrass Institute, May 2025, www.bipps.org/top-reads/kentucky/s-open-enrollment-policies-lag-behind%C2%AC-limiting-educational-choice%C2%AC-opportunities (accessed 3 June 2025). Nearly 4,000 transfers were excluded from this estimate because they transferred to virtual schools operated by Cloverfield Independent and Barren County School Districts, which are some of the largest in the state. However, the Bluegrass Institute was not able to exclude virtual transfers from the eight other virtual schools that operate in the state. Consequently, the estimate of 26,000 participants is likely inflated by some virtual transfers.

⁹ Schwalbach, “K-12 open enrollment by the numbers: 2025.”

¹⁰ 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 2 June 2025); Schwalbach, “K-12 open enrollment by the numbers: 2025.”

¹¹ Schwalbach, “K-12 open enrollment by the numbers: 2025.”

FIGURE 1: PUBLICLY FUNDED K-12 EDUCATION OPTIONS

2.2 OPEN ENROLLMENT BENEFITS STUDENTS

Continuing trends from previous years, students participating in Arizona's, Florida's, and Texas' student transfer programs tended to transfer to school districts that were ranked higher by the state.¹² In Arizona, 90% of cross-district transfers enrolled in districts rated as A or B; in Florida, 94% of cross-district transfers enrolled in districts rated as A or B; and in Texas, 95% of cross-district transfers enrolled in districts rated as A or B. Overall, more than 294,000 students in these states transferred to districts rated as A or B by their state education agencies (SEAs).¹³

2.3 BARRIERS TO OPEN ENROLLMENT

Only six states— Arizona, Florida, Idaho, Mississippi, Oklahoma, and West Virginia—allow students to transfer via open enrollment year-round. While laws in 19 states ensure a restricted transfer window, 25 states have no law addressing districts' transfer windows.¹⁴

The most common reason school districts in Oklahoma, Nebraska, and Wisconsin denied open enrollment transfers was insufficient capacity. Specifically, data from Nebraska and Wisconsin showed that 24% and 20% of rejected applicants were rejected because of lack of space in special education programs. Wisconsin's data continued trends from previous years, showing that school districts deny students with disabilities at higher rates than their non-disabled peers.¹⁵ This level of data wasn't available for other states.

2.4 OPEN ENROLLMENT DATA ARE OFTEN OPAQUE

SEAs often only collect limited open enrollment data. This is bad because families, taxpayers, and policymakers don't have the tools to gauge the impact of or demand for open enrollment programs. SEAs in 19 states were able to provide the number of students using open enrollment from recent school years. Two states—Utah and Idaho—did not collect data on the number of transfers. Additional information, such as the number of

¹² Ibid.; Schwalbach, "Public Schools Without Boundaries: Ranking every state's K-12 open enrollment policies," Schwalbach, "Public Schools Without Boundaries 2024."

¹³ Ibid.

¹⁴ ExcelinEd, "School Choice Matters: State Map," 2024, www.schoolchoicematters.org/map/ (accessed 21 April, 2025).

¹⁵ Schwalbach, "K-12 open enrollment by the numbers: 2025;" Mario Koran, "Wisconsin students with disabilities often denied public school choices," *Wisconsin Watch*, May 31, 2023, www.wisconsinwatch.org/2023/05/wisconsin-public-schools-students-disabilities-options/ (accessed 21 April 2025).

rejected applicants or why they were denied, was often not available. Out of the 21 states reviewed, only five states—Idaho, Oklahoma, Nebraska, West Virginia, and Wisconsin—tracked the number of rejected applicants, but only three of these (Oklahoma, Nebraska, and Wisconsin) tracked rejected applicants by denial category.

2.5

DISTRICTS OFTEN LET TRANSPARENCY FALL BY THE WAYSIDE

Just eight states continue to require districts to publish their available capacity by grade level and their open enrollment policies and procedures on their websites under state law. School districts also struggle to ensure that the open enrollment process is transparent, even when required to do so by state law. A key component of district-level transparency is publishing the number of seats available by grade level on districts' websites. This ensures that families know where vacancies are before submitting transfer applications.

However, many districts don't comply with state laws that require them to make open enrollment information available online. For example, 77% of Oklahoma's school districts comply with a state law that requires them to post their available capacity online according to a 2025 analysis. However, of the districts that published this information, 36% had the most recent data, and 29% had outdated data. Even when data were available, this analysis found that it was often difficult to locate on district websites. Therefore, this study recommends that school districts reconsider their practices and ensure that information about their available capacity is easily accessible on their websites, improving transparency for families and researchers.¹⁶

Similarly, a report studied Utah's school districts' practices regarding posting their available capacity on their websites, as required by state law. The report found most school districts don't fully comply with state law by making their available capacity easily accessible on their websites. Only six districts published an open enrollment report as described in state statute, 15 districts published a partial capacity report, and while 20 districts did not publish a capacity report in any form, their websites gave information about open enrollment.¹⁷

¹⁶ Deven Carlson, "Open Doors or Roadblocks? Assessing District Compliance with Oklahoma's Student Transfer Laws," *Oklahoma Education Journal*, Vol. 2, Issue 4, November 1, 2024, www.ojscholasticahq.com/article/125434 (accessed 22 April 2025).

¹⁷ Christine Cooke Fairbanks, "Innovative Reforms for Utah's Open Enrollment Law," Sutherland Institute, Policy Publication, February 2025, www.sutherlandinstitute.org/publications/publications-innovative-reforms-for-utahs-open-enrollment-law/ (accessed 22 April 2025).

An audit of six Kansas districts' reported available capacity called into question their accuracy. In particular, the report showed that even though five of the districts collectively lost more than 5,000 students since 2019, the districts' only claimed they had space for about 2,000 transfer students during the 2024-25 school year. Moreover, Wichita Public Schools (WPS), the largest school district in Kansas, did not comply with state law, which requires all districts to post their available capacity on their websites. Since 2019, WPS' student counts have dropped by more than 2,600 students. These discrepancies led the author to recommend penalizing districts for misreporting their available capacity and to define the term "capacity." In particular, he recommended basing available capacity on building capacity rather than staffing capacity.¹⁸

2.6

OPEN ENROLLMENT CAN WEAKEN THE EFFECTS OF HOUSING REDLINING

School district and attendance zone boundaries in Missouri and California continue to replicate housing redlining policies that aimed to segregate neighborhoods and schools in the early 20th century according to a 2025 Available to All report, a nonpartisan watchdog organization.¹⁹ It identified three instances where Missouri school districts were affected by these boundaries, which continue to limit students' schooling options based on where they live.²⁰ Similarly, in California's Los Angeles Unified School District (LAUSD)—the second-largest school district in the nation—Available to All identified eight instances where the district's attendance zones were redlined. These attendance zones housed some of LAUSD's elite public schools and excluded students from nearby neighborhoods who were assigned to lower performing schools.²¹ The authors suggested that strong open enrollment laws can help students access schools that are a better fit.

¹⁸ Ben Scafidi, "How Much Capacity Do Public Schools in Kansas REALLY Have?" Kennesaw State University, March 26, 2025, www.sentinelsmo.org/scafidi-open-enrollment-study/ (accessed 22 April 2025).

¹⁹ Schwalbach, "Public Schools Without Boundaries: Ranking every state's K-12 open enrollment policies."

²⁰ Available to All, "Show-Me the Way Out," February 2025, www.availablenoall.org/wp-content/uploads/2025/02/SHOW-ME-THE-WAY-OUT-Overcoming-strict-residential-assignment-in-Missouri-02-11-25.pdf (accessed 21 April, 2025).

²¹ Available to All, "Crisis in the School House," April 2025, www.availablenoall.org/report-crisis-in-the-school-house/ (accessed 21 April, 2025).

PART 3

OPEN ENROLLMENT BEST PRACTICES

3.1

OPEN ENROLLMENT BEST PRACTICES

Seven key components characterize robust open enrollment laws. In Reason's calculations, 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

Rankings assign letter grades to each state's policy, identifying weaknesses and strengths in their laws. This system ranks 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 practice 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 states 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. Because 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 receives 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 receive an additional point.

3.3

RANKING STATES' OPEN ENROLLMENT POLICIES

The most common weaknesses in states' open enrollment laws are poor appeals processes or insufficiently transparent SEA reports. No state fully meets all seven metrics; however,

Oklahoma and Arkansas fully meet six out of seven metrics. Only Idaho fully meets just five out of seven metrics and only Arizona, Delaware, Florida, Utah, and West Virginia fully meet just four out of seven metrics. Using Reason Foundation’s best practices checklist as a measure: 16 states have statewide cross-district open enrollment, 17 states have statewide within-district open enrollment, 28 states make public schools free to all students, 10 states make public schools open to all students, five states’ SEAs publish annual open enrollment reports, eight states have transparent district reporting, and four states have a strong appeals process.

Based on these metrics, six states—Arkansas, Arizona, Idaho, Oklahoma, Utah, and West Virginia—are ranked as “A”, seven states are ranked as “B”, two states are ranked as “C”, two states are ranked as “D”, and 33 states score 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 2025

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	0	2	4	2	83	B-	9
South Dakota	60	15	0	3	1	0	1	80	B-	10
Wisconsin	60	5	10	0	4	0	1	80	B-	10
Montana	60	5	10	0	2	0	0	77	C+	11
North Dakota	60	5	10	2	0	0	0	77	C+	11
Iowa	60	5	0	0	1	0	0	66	D	12
California	30	15	10	5	0	0	2	62	D-	13
Washington	30	15	10	0	0	0	1	56	F	14
Georgia	30	15	10	0	0	0	0	55	F	15
Indiana	30	5	10	5	2	0	1	53	F	16
Massachusetts	30	5	10	5	1	0	0	51	F	17
Minnesota	30	5	10	5	1	0	0	51	F	17
Nevada	30	15	0	0	4	2	0	51	F	17
Ohio	30	15	0	5	0	0	0	50	F	18
Louisiana	30	5	10	0	1	2	1	49	F	19

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
Tennessee	30	15	0	0	0	4	0	49	F	19
Vermont	30	5	10	3	0	0	0	48	F	20
New Hampshire	30	15	0	0	0	0	0	45	F	21
Connecticut	30	5	10	0	0	0	0	45	F	21
New Mexico	30	5	10	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
Hawaii	NA	5	10	0	0	0	0	38	F	22
South Carolina	30	5	0	0	0	1	1	37	F	23
New Jersey	30	0	0	5	0	0	1	36	F	24
Texas	30	5	0	0	1	0	0	36	F	24
Illinois	30	5	0	0	0	0	0	35	F	25
Kentucky	30	5	0	0	0	0	0	35	F	25
Michigan	30	5	0	0	0	0	0	35	F	25
Oregon	30	5	0	0	0	0	0	35	F	25
Wyoming	30	5	0	0	0	0	0	35	F	25
Mississippi	30	0	0	0	0	0	0	30	F	26
New York	30	0	0	0	0	0	0	30	F	26
Alabama	0	5	0	0	0	0	0	5	F	27
Missouri	0	5	0	0	0	0	0	5	F	27
Virginia	0	5	0	0	0	0	0	5	F	27
Alaska	0	0	0	0	0	0	0	0	F	28
Maine	0	0	0	0	0	0	0	0	F	28
Maryland	0	0	0	0	0	0	0	0	F	28
North Carolina	0	0	0	0	0	0	0	0	F	28
Strong policies on the books	16/49	17/50	27/50	10/50	5/50	8/50	4/50			
	33%	34%	54%	20%	10%	16%	8%			

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 2025, policymakers in at least 40 states introduced 99 proposals related to open enrollment. Seventeen proposals aimed to establish statewide cross-district open enrollment, and 20 proposals aimed to establish statewide within-district open enrollment. Sixteen proposals aimed to eliminate tuition or fees to transfer students, 14 would have required public schools to be open to all students, and 24 proposals aimed to improve open enrollment transparency at the SEA level and 27 at the district level. Lastly, 15 sought to strengthen an open enrollment appeals process. Notably, 13 proposals that would have affected states' scores passed at least one legislative chamber. Five proposals signed into law significantly improved open enrollment laws in four states: Arkansas, Nevada, New Hampshire, and South Carolina. Appendix A provides an overview of how various open enrollment proposals would have affected states' scores if codified. A detailed review of the complete list of open enrollment-related proposals is available in Appendix B.

4.2

STATE UPDATES FROM THE 2025 LEGISLATIVE SESSIONS

ARKANSAS SOARS TO 2ND PLACE NATIONWIDE.



Gov. Huckabee Sanders signed Senators Breanne Davis', Jim Dotson's and Representative Austin McCullum's Senate Bill (S.B.) 624 and House Bill (H.B.) 1945 into law, expanding the state's open enrollment law. These reforms establish statewide within-district open enrollment, ensuring that students can transfer to any school within their assigned school district that has open seats. Additionally, the Arkansas Department of Education must now publish an annual report that shows the number of transfer applicants, accepted applications, rejected applicants, and the reasons for denials. S.B. 624 also clarifies that school districts must inform rejected applicants in writing of the reasons for their denial. Moreover, Arkansas became the second state in the nation to prohibit school districts from discriminating against transfer applicants based on their residential address. Lastly, H.B. 1945 requires school districts to post all open enrollment policies and procedures on their websites.²² These improvements boost Arkansas' score by 17 points, meeting six metrics fully.²³

Gov. Sanders also signed into law Senator Alan Clark's and Representative Keith Brooks' S.B. 167, which expanded the application window for open enrollment transfers. Now students can apply for transfer between January and June, instead of only January to May.²⁴

The Natural State hosts a statewide cross-district open enrollment program, used by nearly 26,000 students during the 2023-24 school year, accounting for about 5% of students in public schools.²⁵ Moreover, these reforms ensure that school districts cannot reject

²² Arkansas State Legislature, 95th General Assembly-Regular Session, 2025, Senate Bill 624, www.arkleg.state.ar.us/Bills/Detail?id=sb624&ddBienniumSession=2025%2F2025R (accessed 23 April 2025); Arkansas State Legislature, 95th General Assembly-Regular Session, 2025, House Bill 1945, www.arkleg.state.ar.us/Bills/Detail?id=hb1945&ddBienniumSession=2025%2F2025R (accessed 5 May 2025).

²³ Jude Schwalbach, "Arkansas' K-12 open enrollment slam dunk," Reason Foundation, Commentary, May 13, 2025, www.reason.org/commentary/arkansas-k-12-open-enrollment-slam-dunk/ (accessed 15 May 2025).

²⁴ 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 23 April 2025).

²⁵ Schwalbach, "K-12 open enrollment by the numbers: 2025."

applicants based on their abilities or disabilities.²⁶ State law also ensures that rejected applicants can appeal their denial to the state board of education.²⁷

However, Arkansas' law still falls short in terms of district transparency. The new law requires districts to post their open enrollment policies and procedures, but does not clarify that this information must be posted on their websites. Similarly, districts are not required to post their available capacity by grade level on their websites. Parents who falsify their address for unsanctioned student transfers can be fined up to \$1,000.²⁸

Arkansas scores 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.

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+

²⁶ Arkansas Code Title 6, § 6-18-1903, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903.html (accessed 23 April 2025); Public Schools Without Boundaries 2024 mistakenly did not give Arkansas credit for prohibiting discrimination against students based on their abilities.

²⁷ Arkansas Code Title 6, § 6-18-1905-1906, www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1905/ (accessed 23 April 2025), www.codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1906/ (accessed 23 April 2025).

²⁸ Tim DeRoche, Hailly T.N. Korman, J.D., Harold Hinds, J.D. "When Good Parents Go to Jail," Available to All, August 2023, www.availablenoall.org/report-when-good-parents-go-to-jail/ (accessed 23 April 2025).

CALIFORNIA PERMANENTLY CODIFIES ITS DISTRICT OF CHOICE PROGRAM.



Gov. Gavin Newsom signed Senate Bill (S.B.) 897 sponsored by Sen. Josh Newman into law in late 2024.²⁹ This law made the state’s District of Choice program—a voluntary cross-district open enrollment policy—permanent.

Previously, state policymakers had to periodically approve the program for continued operation; S.B. 897, however, eliminated these sunset provisions so the District of Choice program can continue in perpetuity.

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.³⁰ 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.³¹ 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.³² School districts are not permitted to exclude students based on their ability or disability.³³ Moreover, school districts must inform rejected applicants in writing why they were denied and also that they can appeal the districts’ decisions to the County Board of Education within 30 days of the date of final denial.³⁴

²⁹ California Legislative Information, “SB-897 Pupil attendance: interdistrict attendance: school districts of choice,” September 28, 2024, www.leginfo.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=202320240SB897 (accessed 25 April 2025).

³⁰ 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 25 April 2025).

³¹ 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 25 April 2025).

³² California Legislative Information, Code, Title 2, Division 4, Part 26, Chapter 5, Section 46600, www.leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.&chapter=5.&article= (accessed 25 April 2025).

³³ Ibid.

³⁴ Ibid.

The District of Choice program is the state's second-largest voluntary cross-district open enrollment program, with 7,951 students participating in the 2022-2023 school year.³⁵ In the case of oversubscription, admission is determined by a randomized lottery. However, siblings of current students, pupils eligible for free or reduced-price meals, and children of active-duty military personnel are given priority. Participating districts must post their 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.³⁶

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 scores a total of 62 points—a grade of D—ranking 13th overall.

California policymakers can improve open enrollment in three main ways:

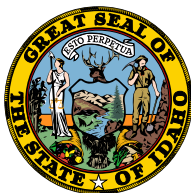
- Consolidate the various cross-district open enrollment options into the District of Choice program, make it statewide, and eliminate all sunset provisions.
- Require all school districts to post their available capacities by grade level and all policies and procedures on their websites.
- Ensure that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

³⁵ California Department of Education, District of Choice files, 2022-23, April 9, 2024, <https://www.cde.ca.gov/sp/eo/dc/docdatafiles1819.asp> (accessed 4 August, 2025).

³⁶ California Legislative Information, Code, Title 2, Division 4, Part 27, Chapter 2, Article 7, Section 48300, www.leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48300.&lawCode=EDC (accessed 25 April 2025).

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-

IDAHO'S OPEN ENROLLMENT LAW KEEPS ITS A+ SCORE.



In 2023, Idaho established statewide cross- and within-district open enrollment.³⁷ 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 Idaho 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 reasons why applications were rejected.³⁸ Rejected applicants do not have the option to appeal their denial to a non-district entity.

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

Gov. Brad Little signed House Bill 236 into law introduced by the House Education Committee. While it doesn't affect the state's score, the new law lets school districts reject transfer applicants for various reasons, such as truancy or their disciplinary record.³⁹ Another proposal, Senate Bill 1025, aimed to undermine Idaho's open enrollment policy by expanding school districts' reasons to reject or revoke transfers, especially those with disabilities.⁴⁰ This bill failed to pass the Senate.

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

- Require the Idaho 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.

³⁷ Idaho Legislature, Idaho Statutes, Title 33, Chapter 14, § 33-1402, www.legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1402/ (accessed 25 April 2025).

³⁸ Public Schools Without Boundaries 2024 mistakenly credited Idaho for reporting the number of students that used open enrollment each year. However, the annual report only showed the number of students approved for transfers which, in Idaho's case, differed from the number of actual transfers.

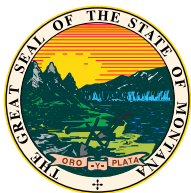
³⁹ Idaho Legislature, "2025 Legislation: House Bill 236," April 1, 2025, www.legislature.idaho.gov/sessioninfo/2025/legislation/H0236/ (accessed 25 April 2025).

⁴⁰ Idaho Legislature, "2025 Legislation: Senate Bill 1025," February 14, 2025, www.legislature.idaho.gov/sessioninfo/2025/legislation/S1025/ (accessed 28 April 2025).

- 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+

MONTANA CLARIFIES ITS TRANSPARENCY PROVISIONS.



Governor Greg Gianforte signed into law House Bill (H.B.) 250, sponsored by Rep. David Bedey. The new law clarified that Montana’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.⁴¹ 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.⁴² Additionally, H.B. 250 expanded the circumstances that define districts’ maximum capacity. Specifically, 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.”⁴³

Montana established a strong cross-district open enrollment policy in 2023, set to launch in fall 2025.⁴⁴ School districts can only reject transfer applicants for limited reasons, such as truancy or discipline. In addition to the reasons outlined in H.B. 250, they can also reject a transfer applicant if approval would cause the district to exceed the limits of a building’s construction standards, “capacity and ingress and egress elements, either by individual room or school building, of any fire code,” or a school district’s safety plan. The law also prohibits school districts from charging public school tuition to transfer students.

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.

⁴¹ Montana Legislative Services, “HB 250: Generally revise education laws related to out-of-district attendance,” May 8, 2025, www.bills.legmt.gov/#/laws/bill/2/LC1211?open_tab=status (accessed 19 May 2025).

⁴² Montana Legislature Archive, “State Agency Reports to Legislature,” accessed 25 April 2025). Public Schools Without Boundaries 2024 mistakenly did not give Montana credit for publishing its open enrollment report.

⁴³ Montana Legislative Services, “HB 250: Generally revise education laws related to out-of-district attendance.”

⁴⁴ Montana Legislature, “Authorized Print Version—HB 203,” 68th Legislature, 2023, <https://archive.legmt.gov/bills/2023/billpdf/HB0203.pdf> (accessed 5 August 2025).

Montana scores 77 points—a grade of C+—ranking 11th overall. 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)	0
#6 Transparent district reporting (4)	2
#7 Transfer applicants can appeal rejected applications (2)	0
Total Points (100)	77
Final Grade	C+

NEVADA ESTABLISHES A STATEWIDE WITHIN-DISTRICT OPEN ENROLLMENT POLICY.



Gov. Joe Lombardo signed Senate Bill (S.B.) 460, introduced by Sens. Nicole Cannizzaro, Marilyn Dondero Loop, Julie Pazina, Michelee Cruz-Crawford, Skip Daly, Fabian Doñate, Edgar Flores, Roberta Lange, Dina Neal, Rochelle Nguyen, James Ohrenschall, Melanie Scheible, and Angela Taylor, into law, establishing a statewide within-district open enrollment policy. The law also requires districts to post their available capacity by grade level on their websites, and to collect and publish key open enrollment data, such as the number of transfers and the number of rejected applicants, in an annual report. 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.⁴⁵ The governor also signed into law Assembly Bill 533, introduced by the Assembly Education Committee. This bill achieved many of the same effects as S.B. 460, except that it also required the SEA to publish data showing why applicants were denied.⁴⁶ Together, these improvements boosted Nevada's score from 35 points to 51 points.

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.⁴⁷

The Silver State does not require districts to post their open enrollment policies and procedures on their websites. The SEA is not required to collect or publish the reasons transfer 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.

Nevada scores 51 points—a grade of F—ranking 17th overall with Massachusetts and Minnesota. Nevada could improve its score to D by making public schools free to all cross-district transfers.

⁴⁵ Nevada Legislature, "SB460," www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12863/Overview (accessed 15 July 2025).

⁴⁶ Nevada Legislature, "AB533," www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12824/Overview (accessed 15 July 2025).

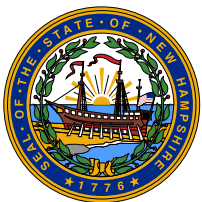
⁴⁷ Nevada State Code, Chapter 388 System of Public Instruction, NRS 388.040, www.leg.state.nv.us/nrs/nrs-388.html#NRS388Sec040 (accessed 29 April 2025).

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

NEW HAMPSHIRE CODIFIED A STATEWIDE WITHIN-DISTRICT OPEN ENROLLMENT LAW.



Gov. Kelly Ayotte signed Senate Bill 97-FN, introduced by Sens. Victoria Sullivan, Howard Pearl, and Erica Layon, into law, establishing a statewide within-district open enrollment program.⁴⁸

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.⁴⁹

While within-district transfers can attend a school outside their catchment area for free, school districts can charge tuition to cross-district transfers. The state also 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.⁵⁰

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

During the 2025 legislative session, three open enrollment proposals passed at least one legislative chamber.⁵¹ Most notably, Rep. Glenn Cordelli introduced House Bill 741, which would have established statewide cross- and within-district open enrollment, robust district and state level transparency provisions, and made public schools free to all students. It

⁴⁸ The General Court of New Hampshire, SB97-FN, www.gc.nh.gov/bill_Status/billinfo.aspx?id=999 (accessed 15 July 2025); Office of the Governor Kelly Ayotte, "Governor Ayotte Signs 42 Bills into Law," Press Release, August 1, 2025, <https://www.governor.nh.gov/news/governor-ayotte-signs-43-bills-law> (accessed 4 August 2025).

⁴⁹ 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 29 April 2025).

⁵⁰ RSA 194-D, www.gencourt.state.nh.us/rsa/html/XV/194-D/194-D-mrg.htm (accessed 29 April 2025).

⁵¹ The General Court of New Hampshire, HB 68, www.gc.nh.gov/bill_status/billinfo.aspx?id=59 (accessed 29 April 2025); The General Court of New Hampshire, HB 741-FN, www.gc.nh.gov/bill_status/billinfo.aspx?id=791 (accessed 29 April 2025).

passed the House but failed in the Senate. If passed, it could have improved New Hampshire's current score by 48 points.⁵²

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

⁵² The General Court of New Hampshire, HB 741-FN.

OKLAHOMA HAS THE BEST OPEN ENROLLMENT LAW NATIONWIDE.



House Bill (H.B.) 2259, introduced by Rep. Nicole Miller, became law without Gov. Kevin Stitt's signature. This legislation ensures that cross-district transfers can remain enrolled in their school without having to renew their application.⁵³ While this new law doesn't affect the state's open enrollment score, it strengthens The Sooner State's open enrollment policy, removing students' administrative barriers. This codifies an improvement that Reason Foundation has recommended since 2022.⁵⁴

Oklahoma has statewide cross- and within-district open enrollment laws. During the 2023-24 school year, more than 10,000 students used cross-district open enrollment, approximately 2% of students enrolled in the state's public schools.⁵⁵ 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 82% of rejected applicants were denied due to a lack of capacity.⁵⁶ Additionally, the Office of Educational Quality and Accountability performs 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.⁵⁷

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

⁵³ Oklahoma State Legislature, "Bill Information for HB 2259, www.oklegislature.gov/BillInfo.aspx?Bill=HB2259&Session=2500 (accessed 29 April 2025).

⁵⁴ Schwalbach, "Public schools Without boundaries: 50-state ranking of open enrollment."

⁵⁵ Schwalbach, "K-12 open enrollment by the numbers: 2025."

⁵⁶ Ibid.

⁵⁷ Oklahoma State Legislature, HB 3386, www.oklegislature.gov/BillInfo.aspx?Bill=HB3386&Session=2400 (accessed 29 April 2025).

the capacity in the districts' respective grade levels in each school.⁵⁸ In such a case, 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.⁵⁹ Districts can prioritize applications from school employees and the siblings of current students. School districts cannot deny applicants based on their ability or disability. School districts are not required to inform rejected applicants in writing why their applications were denied. Rejected applicants can appeal their denials to the receiving school board of education. If the appeal is denied, the rejected applicant can appeal to the state board of education. School districts cannot charge transfer students tuition.⁶⁰ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to one year and fined up to \$500.⁶¹

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.⁶²

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.⁶³ Oklahoma's SEA report, however, has a notable shortcoming. Although the Oklahoma State Department of Education publishes an annual report about open enrollment, it only provides data about transfer students from the most

⁵⁸ 2024 Oklahoma Statutes, Title 70. Schools, Article VIII - Transfer of Pupils, Section 8-101.2, www.law.justia.com/codes/oklahoma/title-70/section-70-8-101-2/ (accessed 29 April 2025).

⁵⁹ Ibid.

⁶⁰ 2024 Oklahoma Statutes, Title 70. Schools, Article VIII - Transfer of Pupils, Section 8-112 - Student Transfer Fees, www.law.justia.com/codes/oklahoma/title-70/section-70-8-112/ (accessed 29 April 2025).

⁶¹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁶² Oklahoma Statutes Title 70, Article VIII - Transfer of Pupils Section 8-101.2.

⁶³ Ibid.

recent academic quarter. Without long-term data, policymakers cannot make informed decisions to refine the open enrollment law.⁶⁴

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

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.⁶⁵
- 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+

⁶⁴ Jude Schwalbach and Ahmed Almoaswes, “Oklahoma now has the best open enrollment policy in the country,” Reason Foundation, Commentary, July 30, 2024, www.reason.org/commentary/oklahoma-now-has-the-best-open-enrollment-policy-in-the-country/ (accessed 29 April 2025).

⁶⁵ 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 29 April 2025).

SOUTH CAROLINA MAKES OPEN ENROLLMENT MORE TRANSPARENT.



South Carolina Governor Henry McMaster signed into law Senate Bill 62, which was introduced by Sens. Greg Hembree, Rex Rice, and Lawrence Grooms. This reform requires districts to post their available capacity for cross-district transfers on their website at least once a year. However, districts are not required to disaggregate their vacancies by grade level. While the new law requires districts to establish detailed open enrollment policies, improving the state's open enrollment score by one point, it doesn't specify that these policies must be posted on districts' websites.⁶⁶

Nonetheless, South Carolina's open enrollment law is unclear. While all districts must adopt an open enrollment policy that aligns with the model policy provided by the SEA, the law only describes the model policy as guidelines that serve as a "minimum standard for all districts." Failure to comply with the model policy may result in the SEA withholding administrative funding from the district. Despite efforts to improve them, South Carolina's open enrollment cross- and within-district open enrollment laws remain voluntary.⁶⁷

Moreover, the Palmetto State doesn't require districts to publish important data necessary to implement a robust universal open enrollment policy, such as district rules for how transfer requests are evaluated. As well, the state fails to set clear guidelines for how districts are and are not allowed to evaluate transfer applications. The state's open enrollment law doesn't stop school districts from rejecting transfer applications based on students' abilities or disabilities.⁶⁸ While district denials of student transfer applications can be overridden by a county board of education if it concludes that the denial was performed "unreasonably or capriciously," this kind of override requires a formal hearing. Also, school districts are not required to inform rejected applicants in writing of the reasons for their denials.⁶⁹ It's also worth noting that South Carolina doesn't require or facilitate within-district open enrollment.

⁶⁶ South Carolina Assembly, 126th Session, 2025-26, S. 62, www.scstatehouse.gov/sess126_2025-2026/bills/62.htm (accessed 2 May 2025).

⁶⁷ Ibid.

⁶⁸ South Carolina Code of Laws Unannotated Title 59 Education §59-63-40. Discrimination on account of race, creed, color, or national origin prohibited, www.scstatehouse.gov/code/t59c063.php (accessed 29 April 2025).

⁶⁹ South Carolina Code of Laws Unannotated Title 59 Education §59-63-510. County board of education authorized to order transfer, www.scstatehouse.gov/code/t59c063.php (accessed 29 April 2025).

South Carolina permits districts to charge tuition to the parents or guardians of transfer students. These fees, which are based on the per-pupil revenues raised from local property taxes for operations and bonds, can be waived, however.⁷⁰ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to 30 days and fined up to \$500.⁷¹

South Carolina scores 37 points—a grade of F—ranking 23rd overall.

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

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

⁷⁰ 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 29 April 2025).

⁷¹ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

PART 5

UPDATED OPEN ENROLLMENT LAWS AND PROPOSALS IN THE REMAINING 45 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.⁷² 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.⁷³ **Alabama scores only 5 points out of 100 on Reason's scoresheet and a letter grade of F, tying for 27th place overall with Missouri and Virginia.**

Alabama policymakers can improve the state's open enrollment offerings in three main ways:

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

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

⁷² 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 25 April 2025).

⁷³ Congressional Research Service, "Overview of Public and Private School Choice Options," January 13, 2022, www.everycrsreport.com/files/2022-01-13_IF10713_ddb5cdaf7ec2f2fa15f99656f57f0e6f822a857.pdf (accessed 25 April 2025).

ALASKA TIES FOR DEAD LAST IN OPEN ENROLLMENT.



Alaska does not have statewide or voluntary cross-district or within-district open enrollment policies.⁷⁴ 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.⁷⁵ 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.

In 2025, Gov. Mike Dunleavy introduced mirror proposals in both chambers: Senate Bill 82 and House Bill 76.⁷⁶ These proposals would have adopted all of Reason Foundation's open enrollment recommendations and would have improved Alaska's grade to an A+ or a score of 100.⁷⁷ H.B. 76 was passed by the House.

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.

⁷⁴ 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 25 April 2025).

⁷⁵ 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 25 April 2025).

⁷⁶ The Alaska State Legislature, 34th Legislature(2025-2026), SB 82, www.akleg.gov/basis/Bill/Detail/?Root=SB%2082 (accessed 25 April 2025); The Alaska State Legislature, HB 76, www.akleg.gov/basis/Bill/Detail/?Root=HB%2076 (accessed 25 April 2025).

⁷⁷ Jude Schwalbach, "Alaska aims to be the 10th state to improve K-12 open enrollment in five years," Reason Foundation, Commentary, February 7, 2025, www.reason.org/commentary/alaska-aims-to-be-the-10th-state-to-improve-k-12-open-enrollment-in-five-years/ (accessed 15 May 2025).

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.⁷⁸ 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 2023-24 school year, nearly 118,000 Arizona students used open enrollment, approximately 87% of them being cross-district transfers. Overall, about 14% of students enrolled in public schools used open enrollment during that school year.⁷⁹

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.” But, 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.⁸⁰

⁷⁸ 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 28 April 2025).

⁷⁹ Arizona Department of Education, “FY 2024 Open Enrollment Participation Report,” May 1, 2025, www.azed.gov/finance/fy-2024-open-enrollment-participation-report (accessed 4 September 2025).

⁸⁰ Jude Schwalbach, “New data shows Arizona’s public schools, including rural ones, can compete in an education marketplace,” Reason Foundation, Commentary, October 3, 2023, www.reason.org/commentary/new-data-shows-arizonas-public-schools-including-rural-ones-can-compete-in-an-education-marketplace/ (accessed 28 April 2025).

During the 2024 legislative session, Arizona tweaked its open enrollment law to prioritize transfer applicants whose parents are active duty military or died in the line of duty.⁸¹

Arizona scores 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 of 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

⁸¹ Arizona State Legislature, Article 1.1, Open School Enrollment, 15-816.01., www.azleg.gov/ars/15/00816-01.htm (accessed 28 April 2025).

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.⁸² The latest data from the Colorado Department of Education showed that more than 199,000 students—more than 28% of the state’s public school population—used open enrollment during the 2023-24 school year; 29% of these were cross-district transfers.⁸³

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.⁸⁴

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

In 2025, Colorado tweaked its open enrollment policy so that children of inbound active duty military members are prioritized for open enrollment.⁸⁵

⁸² Colorado Revised Statutes Title 22. Education § 22-33-103, www.codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-33-103.html (accessed 28 April 2025).

⁸³ Schwalbach, “K-12 open enrollment by the numbers: 2025.”

⁸⁴ Colorado Revised Statutes Title 22. Education § 22-36-101, www.codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-36-101.html (accessed 28 April 2025); Luke Ragland and Craig Hulse, “Open Doors, Open Districts,” Ready Colorado, Fall 2018, www.readycolo.org/wp-content/uploads/2018/10/ODODfinal.pdf (accessed 28 April 2025).

⁸⁵ Colorado General Assembly, SB 25-073, April 17, 2025, www.leg.colorado.gov/bills/sb25-073 (accessed 28 April 2025).

Colorado policymakers can improve the state's 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.⁸⁶ 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.⁸⁷ More than 2,800 students participated in the program during the 2023-24 school year.⁸⁸ Connecticut is one of the 28 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.⁸⁹ 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.⁹⁰ 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.

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

⁸⁶ General Statutes of Connecticut, Title 10, Chapter 172, Sec. 10-266aa, www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (accessed 28 April 2025).

⁸⁷ Connecticut State Department of Education, RSCO School Choice Family Reference Guide, School Year 2025-26, portal.ct.gov/-/media/sde/school-choice/rsco/rscofamilyguide.pdf (accessed 28 April 2025).

⁸⁸ Edsight: Connecticut's official source for education data, "Resident Town Dashboard," Connecticut's Official State Website, 2025, www.public-edsight.ct.gov/overview/resident-town-dashboard?language=en_US (accessed 15 July 2025).

⁸⁹ General Statutes of Connecticut, Title 10, Chapter 170, Section 10-221e, www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221e (accessed 28 April 2025).

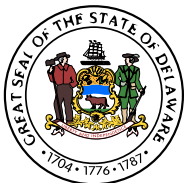
⁹⁰ Connecticut Department of Education, Open Choice Programs, www.portal.ct.gov/sde/school-choice/ct-school-choice/open-choice-programs (accessed 28 April 2025).

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.⁹¹ 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."⁹² During the 2020-21 school year, nearly 26,000 students used open enrollment—approximately 22% of students enrolled in traditional public schools.⁹³

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 \$2,300.⁹⁴

But, 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.⁹⁵ 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

⁹¹ Delaware Department of Education, "School Choice," www.education.delaware.gov/families/k12/school-choice/ (accessed 28 April 2025).

⁹² Delaware Code Online, Title 14, Chapter 4 School District Enrollment Choice Program, Section 405, www.delcode.delaware.gov/title14/c004/index.html (accessed 28 April 2025).

⁹³ Schwalbach, "K-12 open enrollment by the numbers: 2025," 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 28 April 2025).

⁹⁴ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁹⁵ Delaware Code Online, Title 14, Chapter 4 School District Enrollment Choice Program, Section 401-414, www.delcode.delaware.gov/title14/c004/index.html (accessed 28 April 2025).

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 scores 87 points—a grade of B+—tying for 8th place overall with Colorado. The First State could easily improve 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 TIES FOR 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.⁹⁶ However, parents who falsify their address for unsanctioned student transfers can be incarcerated for either 60 days or five years, depending on the charges.⁹⁷ Florida prioritizes applications from military-connected families who have been restationed, students relocated due to foster care, and those relocated due to a court-ordered separation or a parent's death or illness. In 2024, more than 274,000 students participated in the state's open enrollment options. Overall, about 10% of students enrolled in the state's traditional public schools used open enrollment.⁹⁸

Under the Opportunity Scholarship Program, Florida also prioritizes for open enrollment any student who is assigned to a school that has earned the grade F. 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.⁹⁹

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

⁹⁶ The 2024 Florida Statutes (including 2025 Special Session C), Title XLVIII, Chapter 1002.31, www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (accessed 28 April 2025).

⁹⁷ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

⁹⁸ Patrick R. Gibbons, "Florida's education evolution now has more than 50% of students in school choice options," Step Up For Students, June 5, 2025, <https://nextstepsblog.org/2025/06/floridas-education-evolution-now-has-more-than-50-of-students-in-school-choice-options/> (accessed 5 August 2025).

⁹⁹ The 2024 Florida Statutes (including 2025 Special Session C), Title XLVIII, Chapter 1002.38, www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.38.html (accessed 28 April 2025).

is available on a first-come-first-serve basis.¹⁰⁰ The stipend amount per household is \$750.¹⁰¹

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.¹⁰² 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.¹⁰³

Florida’s open enrollment policy scores 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 and 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+

¹⁰⁰ The 2024 Florida Statutes (including 2025 Special Session C), Title XLVIII, Chapter 1002.31.

¹⁰¹ Step Up For Students, “Public School Transportation Stipend,” 2025, www.stepupforstudents.org/scholarships/transportation/ (accessed 28 April 2025).

¹⁰² The 2024 Florida Statutes (including 2025 Special Session C), Title XLVIII, Chapter 1002.31.

¹⁰³ 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.¹⁰⁴ 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.¹⁰⁵ 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.¹⁰⁶ 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.¹⁰⁷ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to five years and fined up to \$1,000.¹⁰⁸

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

Georgia scores 55 points—a grade of F—ranking 15th overall.

¹⁰⁴ Georgia Code Title 20. Education § 20-2-293, www.codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-293.html (accessed 28 April 2025).

¹⁰⁵ Perdue, "Report on Georgia's Open Enrollment Transfer Environment."

¹⁰⁶ 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).

¹⁰⁷ 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).

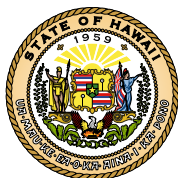
¹⁰⁸ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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

HAWAII IS A SINGLE-DISTRICT ANOMALY.



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

The Aloha State permits “geographic exceptions” that allow students to transfer to a public school other than the one to which they are assigned. However, transfer applicants must obtain a certificate of release from their assigned schools. Schools are only required to inform families about this limited within-district transfer option and its application process upon request.¹⁰⁹

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.¹¹⁰

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.

¹⁰⁹ 2024 Hawaii Revised Statutes, Title 18 Education, 302a Education, 302a-1143 Attending School in What Service Area, www.law.justia.com/codes/hawaii/title-18/chapter-302a/section-302a-1143/ (accessed 28 April 2025); 2024 Hawaii Revised Statutes, Title 18, 302a Education, 302a-1145 Transfer to Another School, www.law.justia.com/codes/hawaii/title-18/chapter-302a/section-302a-1145/ (accessed 28 April 2025).

¹¹⁰ Hawaii Administrative Rules, Title 8 Department of Education, Subtitle 2 Education, Part 1 Public Schools, Chapter 13 Geographical Exceptions, www.boe.hawaii.gov/policies/AdminRules/Pages/AdminRule13.aspx (accessed 28 April 2025).

Hawaii scores 38 points—a grade of F—ranking 22nd overall.

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

- Require all schools 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

ILLINOIS' OPEN ENROLLMENT POLICY GETS AN F.



Students can transfer schools under very limited circumstances in Illinois, such as specific agreements between districts.¹¹¹ School districts can charge cross-district transfers tuition.¹¹² 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 \$2,300.¹¹³

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).¹¹⁴

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.

¹¹¹ 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 28 April 2025).

¹¹² 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 28 April 2025).

¹¹³ 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+10&ActID=1005&ChapterID=17&SeqStart=62800000&SeqEnd=88400000 (accessed 28 April 2025); Illinois Compiled Statutes, 730 ILCS 5/5-4.5-65 Class C Misdemeanors; Sentence, <https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073000050K5-4.5-65> (accessed 28 April 2025); DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹¹⁴ 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 28 April 2025).

Illinois scores 35 points—a grade of F—tying for 25th place with four 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 only provides voluntary cross- and within-district open enrollment programs.¹¹⁵ 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. Public schools are free to all transfer students,¹¹⁶ since a 2024 reform that stopped school districts from charging tuition to transfers.¹¹⁷ During the 2023-24 school year, nearly 90,000 students used cross-district open enrollment, about 9% of students in traditional public schools.¹¹⁸

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 in writing why transfer applicants were rejected.

Indiana only scores 53 points, grading F. Overall, the state ranks 16th, 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.

¹¹⁵ Indiana Code Title 20. Education § 20-26-11-32, www.codes.findlaw.com/in/title-20-education/in-code-sect-20-26-11-32.html (accessed 28 April 2025).

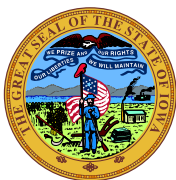
¹¹⁶ Indiana General Assembly 2024 Session, House Bill 1380, www.iga.in.gov/legislative/2024/bills/house/1380/details (accessed 28 April 2025).

¹¹⁷ 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 4 June 2025).

¹¹⁸ Schwalbach, "K-12 open enrollment by the numbers: 2025."

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

IOWA'S OPEN ENROLLMENT LAW SCORES A D.



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 2023-24 school year, more than 40,200 students used cross-district open enrollment or about 8% of students enrolled in traditional public schools.¹¹⁹

The Hawkeye State permits voluntary within-district open enrollment.¹²⁰ While the SEA collects data on the number of transfer students, it doesn't collect data on why transfer student applications were rejected. Moreover, districts are not required to post their available capacity by grade level on their websites. The law does not stop school districts from excluding students based on their abilities or disabilities, and school districts are not required to inform rejected applicants of the reasons for their denial in writing. While students who transfer under the state's open enrollment program are not charged tuition, students who fail to complete an open enrollment application or who transfer outside of the open enrollment program can be charged tuition.¹²¹ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to five years and fined up to \$7,500.¹²²

Despite improving its open enrollment policy, Iowa scores 66 points, gaining a grade of D and ranking 12th overall. If Iowa adopted statewide within-district open enrollment, and made it open and free to all students, it could improve its score to an A-.

¹¹⁹ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹²⁰ Iowa Code 2023, Title VII Education and Cultural Affairs, §279.11, www.legis.iowa.gov/law/iowaCode/sections?codeChapter=279&year=2024 (accessed 1 July 2024).

¹²¹ Iowa Code 2023, Title VII Education and Cultural Affairs, §282.18 Open Enrollment, www.legis.iowa.gov/docs/code/282.18.pdf (accessed 1 July 2024); Iowa Administrative Code, Education 281, Chapter 17 Open Enrollment, www.legis.iowa.gov/docs/ACO/chapter/281.17.pdf (accessed 1 July 2024); Iowa Department of Education, "Open Enrollment Handbook: 2023-2024 School Year," December 2023, www.educate.iowa.gov/media/8960/download?inline= (accessed 1 July 2024).

¹²² DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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

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

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

KANSAS SCORES 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 1,500 transfers.¹²³

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.¹²⁴

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 scores 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 2nd place.

¹²³ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹²⁴ Kansas 2021-2022 Legislative Sessions, S Sub for HB2567, www.kslegislature.org/li_2022/b2021_22/measures/hb2567/ (accessed 28 April 2025).

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.¹²⁵ 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.¹²⁶ 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.¹²⁷ The Bluegrass Institute estimated that more than 26,000 students used cross-district open enrollment during the 2023-24 school year.¹²⁸

While the Kentucky Department of Education guidance indicates that school districts can charge transfer students a “reasonable tuition fee,” it must be paid by the sending district, pending approval of the transfer. A 2025 report by the Bluegrass Institute contacted 10 school districts and found two instances where school districts charged \$500 in tuition to non-resident transfers.¹²⁹ If a sending district determines that student transfers to another district are convenient, it can enter into a tuition contract with the receiving district.¹³⁰

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.

¹²⁵ Kentucky Department of Education, “Non-Resident Student Policy,” January 21, 2025, www.education.ky.gov/districts/enrol/Pages/Nonresident-Student-Policy.aspx (accessed 28 April 2025).

¹²⁶ Ibid.

¹²⁷ Kentucky Revised Statutes 2023, Chapter 158, §158.120, www.apps.legislature.ky.gov/law/statutes/statute.aspx?id=51403 (accessed 28 April 2025).

¹²⁸ Garen, Houchens, Innes, “Public school open enrollment in Kentucky: policy issues regarding non-resident and transfer students.”

¹²⁹ Ibid

¹³⁰ Kentucky Department of Education, “Non-Resident Student Policy.”

Kentucky scores 35 points—a grade of F—tying for 25th place overall with four other states.
Only nine 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.¹³¹ During the 2023-24 school year, school districts accepted nearly 7,000 transfer applicants.¹³²

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.”¹³³ 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.”¹³⁴ 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

¹³¹ Louisiana State Legislature, RS 17 §4035.1. Public school choice, www.legis.la.gov/legis/Law.aspx?%20p=y&d=920128 (accessed 28 April 2025).

¹³² 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 28 April 2025).

¹³³ 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 28 April 2025).

¹³⁴ 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.¹³⁵

Louisiana scores 49 points—a grade of F—tying for 19th place overall with Tennessee.

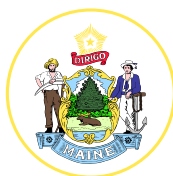
Louisiana policymakers can improve their open enrollment options in three main ways:

- 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

¹³⁵ 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 28 April 2025).

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.¹³⁶

Maine scores 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

¹³⁶ 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 28 April 2025).

MARYLAND'S OPEN ENROLLMENT LAW RANKS DEAD LAST.



The Old Line State has no cross-district or within-district open enrollment options. School districts are not required to post their available capacity, nor are there provisions against charging transfer students tuition. The SEA does not collect or publish open enrollment data, such as the number of transfer students or why transfer applications were rejected. State law doesn't stop school districts from rejecting transfers based on their abilities or disabilities. School districts are not required to inform rejected applicants in writing of the reasons for their rejection. Rejected applicants cannot appeal their denial to a non-district entity.¹³⁷

Maryland scores 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

¹³⁷ Code of Maryland Regulations, Title 13a, Subtitle 08, Chapter 13a.08.01, Section 13a.08.01.20. Unsafe School Transfer Policy, www.mdrules.elaws.us/comar/13a.08.01.20 (accessed 28 April 2025); 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.¹³⁸ Transfer students can remain in their non-assigned school until graduation unless there is insufficient funding.¹³⁹ Districts cannot charge tuition to transfer students.¹⁴⁰ According to the Massachusetts Department of Education, nearly 18,000 students used open enrollment during the 2023-24 school year.¹⁴¹

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.¹⁴² 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 scores 51 points—a grade of F—tying for 17th place with Minnesota and Nevada. If the Bay State adopted statewide cross-district open enrollment, it could improve its grade to a B.

¹³⁸ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76 § 12b(e), www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section12B (accessed 28 April 2025).

¹³⁹ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76, § 12, www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12; Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76, § 12a, www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12A#:~:text=Section%2012A%3A%20Plan%20for%20attendance,adoption%3B%20financial%20and%20technical%20assistance (accessed 28 April 2025).

¹⁴⁰ Commonwealth of Massachusetts, General Laws, Part I, Title XII, Chapter 76 § 12b(e).

¹⁴¹ Massachusetts Department of Elementary and Secondary Education, "Trends in Inter-District School Choice Pupils and Tuition," June 6, 2024, www.doe.mass.edu/finance/schoolchoice/#:~:text=The%20inter%2Ddistrict%20school%20choice,children%20in%20a%20participating%20district (accessed 28 April 2025).

¹⁴² Massachusetts Department of Elementary and Secondary Education, SIMS Summary Report Explanation, www.doe.mass.edu/infoservices/data/sims/sumreports.html (accessed 28 April 2025); Public Schools Without Boundaries 2024 mistakenly did not give Massachusetts credit for collecting data on the number of transfers.

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



School districts are not required to participate in cross-district or within-district open enrollment. However, if districts do not participate, they lose 5% of their state funding. During the 2023-24 school year, nearly 155,000 students used cross-district open enrollment.¹⁴³ While most school districts participate in open enrollment, many limit the number of transfer students through artificial caps.¹⁴⁴ 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.¹⁴⁵ 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.¹⁴⁶ 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.¹⁴⁷ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to 30 days and fined up to \$50.¹⁴⁸

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.

¹⁴³ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹⁴⁴ 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 29 April 2025).

¹⁴⁵ 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 29 April 2025).

¹⁴⁶ Ibid.

¹⁴⁷ 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 29 April 2025).

¹⁴⁸ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

Michigan scores 35 points—a grade of F—tying for 25th place with four 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.”¹⁴⁹ 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.¹⁵⁰

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 2023-24 school year, more than 91,000 students used open enrollment, about 12% of students enrolled in traditional public schools.¹⁵¹ State law prohibits districts from excluding students based on ability or disability.¹⁵² Districts cannot charge fees to transfer students.¹⁵³ Parents, however, who falsify their address for unsanctioned student transfers can be incarcerated for up to 90 days and fined up to \$1,000.¹⁵⁴

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.¹⁵⁵ While the SEA does not publish all pertinent open enrollment data, it does collect important information, such as the number of transfer applications rejected due to a lack of capacity.¹⁵⁶ Districts

¹⁴⁹ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 124D.03. Enrollment options program, www.codes.findlaw.com/mn/education-code-prekindergarten-grade-12-ch-120-129c/mn-st-sect-124d-03.html (accessed 29 April 2025).

¹⁵⁰ Minnesota Department of Education, Students and Families, “Open Enrollment,” <https://education.mn.gov/MDE/fam/open/> (accessed 29 April 2025).

¹⁵¹ Schwalbach, “K-12 open enrollment by the numbers: 2025.”

¹⁵² Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 124D.03

¹⁵³ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 123B.37. Prohibited fees, www.codes.findlaw.com/mn/education-code-prekindergarten-grade-12-ch-120-129c/mn-st-sect-123b-37.html (accessed 29 April 2025).

¹⁵⁴ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

¹⁵⁵ Minnesota Department of Education, “Open Enrollment.”

¹⁵⁶ Minnesota Statutes Education Code: Prekindergarten-Grade 12 (Ch. 120-129C) § 124D.03. Enrollment options program.

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

Minnesota scores 51 points—a grade of F—ranking 17th overall with Massachusetts and Nevada. 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 other school districts, their families must obtain the mutual consent of both the sending and receiving school districts. Neither district is required to give consent regardless of its available capacity since participation is voluntary. Districts can charge transfer students tuition. Yet parents who falsify their address for unsanctioned student transfers can be incarcerated for up to five years or fined up to \$1,000.¹⁵⁷ 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.¹⁵⁸ 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.¹⁵⁹

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

During the 2025 legislative session, State Rep. Jansen Owen introduced House Bill 1435, which would only require transfer applicants to receive permission from the receiving school district, and codified a neutral appeals process for rejected applicants. The bill would have also established a voluntary within-district open enrollment policy. School districts couldn't discriminate against applicants based on their abilities or disabilities and would have had to post their available capacity by grade level and all open enrollment policies and procedures on their websites. Additionally, the SEA would have been required

¹⁵⁷ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹⁵⁸ 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 29 April 2025).

¹⁵⁹ Mississippi Code Title 37. Education § 37-15-29. Enrollment or attendance location; residence; exceptions, www.codes.findlaw.com/ms/title-37-education/ms-code-sect-37-15-29.html (accessed 29 April 2025).

to publish an annual report to the legislature showing the number of transfer students and denials by district. HB 1435 passed in the House chamber with the support of House Speaker Jason White, but failed in the Senate.¹⁶⁰ If it had passed, Mississippi's open enrollment score would have improved by 18 points.

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

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

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

¹⁶⁰ Mississippi Legislature 2025 Regular Session, House Bill 1435, <https://billstatus.ls.state.ms.us/2025/pdf/history/HB/HB1435.xml> (accessed 29 April 2025); Staff Reports, "Senate kills slate of House education reforms, drawing rebuke from Speaker White," *Vicksburg Daily News*, March 5, 2025, www.vicksburgnews.com/senate-kills-slate-of-house-education-reforms-drawing-rebuke-from-speaker-white/ (accessed 29 April 2025).

MISSOURI'S OPEN ENROLLMENT POLICY IS SECOND LAST NATIONWIDE.



Missouri law requires school districts to establish a within-district open enrollment policy.¹⁶¹ However the law doesn't indicate that the policy must permit transfers so long 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.¹⁶² Accordingly, Missouri has no cross-district open enrollment options.

Missouri law doesn't stop districts from charging tuition to transfers. Nor does the state 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 \$10,000.¹⁶³

Missouri scores 5 points—a grade of F—tying for second to last place with two other states. Only four states scored worse than Missouri.

During the 2025 legislative session, Representative Brad Pollitt introduced House Bill 711, which would have prohibited school districts from discriminating against transfer

¹⁶¹ 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., <https://revisor.mo.gov/main/OneSection.aspx?section=162.1190&bid=8124&hl=> (accessed 7 August 2025).

¹⁶² 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 29 April 2025); Missouri Revised Statutes, Title XI Education and Libraries, 162.1060, <https://revisor.mo.gov/main/OneSection.aspx?section=162.1060&bid=8112&hl=> (accessed 7 August 2025); Missy McCoy, "Unconditional Acceptance: The Supreme Court of Missouri's Interpretation of Missouri Revised Statutes Section 167.131," *Missouri Law Review*, Volume 76, Issue 3, Summer 2011, <https://scholarship.law.missouri.edu/mlr/vol76/iss3/14> (accessed 7 August 2025). Previous versions of this paper gave Missouri credit for a voluntary cross-district open enrollment program. However, Section 162.1060 is only operational when the St. Louis Public School District (SLPD) loses its accreditation (which it has retained since 2017). Per McCoy, Section 162.1060 is linked to the Voluntary Interdistrict Choice Corporation (VICC). As the VICC is in the process of being sunsetted, accepting no new students, and SLPD keeps its accreditation, Missouri in essence has no cross-district transfer options that are operational. Consequently, Missouri no longer receives credit for a voluntary cross-district open enrollment option per Reason Foundation's metrics.

¹⁶³ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

applicants based on their disabilities or abilities. It would have also required districts to post their open enrollment policies and procedures on their websites and inform rejected applicants in writing why they were denied. The proposal passed the House, but failed in the Senate.¹⁶⁴ It would have improved Missouri's score by eight points.¹⁶⁵

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

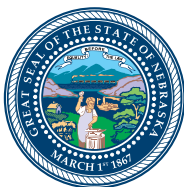
- Require all school districts to participate in cross- and within-district open enrollment.
- Make public schools free to all students.
- Make public schools open to all students regardless of their ability or disability.

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	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

¹⁶⁴ Missouri House of Representatives, HB 711, April 30, 2025, www.house.mo.gov/Bill.aspx?bill=HB711&year=2025&code=R (accessed 20 May 2025).

¹⁶⁵ Christopher T. Wilson and Jude Schwalbach, "Missouri's 2025 K-12 open enrollment proposals," Reason Foundation, Backgrounder, April 16, 2025, www.reason.org/backgrounder/missouris-2025-k-12-open-enrollment-proposals/ (accessed 15 May 2025).

NEBRASKA SCORES A B FOR OPEN ENROLLMENT.



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. School districts must post their available capacity by grade level and all open enrollment policies and procedures on their websites. Moreover, the SEA collects important information about transfer students (called option students locally), such as the number of rejected applications, the reasons why applications were rejected, and if the applicant has an IEP or disability. The SEA submits a report that includes these data to the state legislature annually. The report's publication is at the discretion of the state legislature.¹⁶⁶ The latest data showed that 24% of rejected applicants were denied for special education related reasons.¹⁶⁷ Districts cannot charge transfer students tuition. Rejected applicants can appeal their denials to a non-district entity.¹⁶⁸ During the 2023-24 school year, nearly 25,000 students used cross-district open enrollment, about 8% of students enrolled in traditional public schools.¹⁶⁹

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.¹⁷⁰

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 or include the total number of transfer students. Nebraska law doesn't stop school districts from rejecting transfer applicants based on their ability or disability. Nor are school districts required to inform rejected applicants of the reasons for their denial in writing.

¹⁶⁶ Nebraska Department of Education, "Enrollment Option Program: **New Reporting Requirements for Districts**," August 18, 2023, www.education.ne.gov/fos/enrollment-option-application-instructions-faqs/ (accessed 29 April 2025).

¹⁶⁷ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹⁶⁸ Nebraska Legislature, LB1329, www.nebraskalegislature.gov/bills/view_bill.php?DocumentID=55393 (accessed 29 April 2025).

¹⁶⁹ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹⁷⁰ Nebraska Revised Statute 79-2110, www.nebraskalegislature.gov/laws/statutes.php?statute=79-2110 (accessed 29 April 2025).

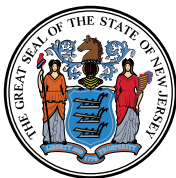
Nebraska scores 83 points—a grade of B- —ranking 9th overall. If the Cornhusker State adopted statewide within-district open enrollment, it could receive an A-, improving its score by 10 points.

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

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

Best Practice	Score
#1 Statewide cross-district open enrollment (60)	60
#2 Statewide within-district open enrollment (15)	5
#3 School districts free to all students (10)	10
#4 School districts open to all students (5)	0
#5 Transparent SEA reports (4)	2
#6 Transparent district reporting (4)	4
#7 Transfer applicants can appeal rejected applications (2)	2
Total Points (100)	83
Final Grade	B-

NEW JERSEY'S OPEN ENROLLMENT POLICY SCORES AN F.



New Jersey operates a voluntary cross-district open enrollment option.¹⁷¹ During the 2025-26 school year, roughly 20% of New Jersey school districts will participate in it.¹⁷² 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.¹⁷³ 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.¹⁷⁴ During the 2023-24 school year, more than 5,000 students used cross-district open enrollment, less than 1% of students enrolled in the state's traditional public schools.¹⁷⁵

Schools participating in cross-district open enrollment annually report various open enrollment data, such as the number of available seats, to the New Jersey Department of Education. Also, each year, the commissioner makes a public report regarding the effectiveness of cross-district open enrollment.¹⁷⁶ 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.¹⁷⁷ Any school district that does not participate in open enrollment, however, can charge tuition to transfer students.¹⁷⁸ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to six months and fined up to \$1,000.¹⁷⁹

¹⁷¹ N.J.A.C. 6A:12, Interdistrict Public School Choice, www.nj.gov/education/code/current/title6a/chap12.pdf (accessed 29 April 2025).

¹⁷² New Jersey Department of Education, "Interdistrict Public School Choice," www.nj.gov/education/choice/ (accessed 29 April 2025).

¹⁷³ New Jersey Department of Education, Interdistrict Public School Choice Program, "Policy and FAQs," www.nj.gov/education/choice/cdistricts/faq/#Tuitionandchoiceprograms (accessed 29 April 2025).

¹⁷⁴ N.J.A.C. 6A:12, New Jersey Department of Education, Interdistrict Public School Choice.

¹⁷⁵ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ 2024 New Jersey Revised Statutes, Title 18A - Education, Section 18A:38-19 - Tuition of pupils attending schools in another district, www.law.justia.com/codes/new-jersey/title-18a/section-18a-38-19/ (accessed 29 April 2025).

¹⁷⁹ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

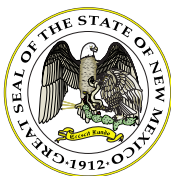
New Jersey scores 36 points—a grade of F—tying for 24th with Texas.

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

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

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

NEW MEXICO SCORES A FAILING GRADE.



New Mexico permits voluntary cross-district and within-district open enrollment, prioritizing those assigned to schools rated “F” for two of the last four years. Participating schools must accept transfer students so long as they do not exceed the maximum class size set by the state or district.¹⁸⁰ 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 scores 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 students’ 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.

¹⁸⁰ New Mexico Statutes Chapter 22. Public Schools § 22-12A-5. Public school attendance, www.codes.findlaw.com/nm/chapter-22-public-schools/nm-st-sect-22-12a-5.html (accessed 29 April 2025); New Mexico Statutes Chapter 22. Public Schools § 22-1-4. Free public schools; exceptions; withdrawing and enrolling; open enrollment, www.codes.findlaw.com/nm/chapter-22-public-schools/nm-st-sect-22-1-4.html (accessed 29 April 2025).

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

NEW YORK'S OPEN ENROLLMENT POLICY RANKS 26TH OR THIRD TO LAST.



New York permits voluntary cross-district open enrollment through its Urban-Suburban Interdistrict Transfer Program.¹⁸¹ To participate in the program, districts must prove that (1) they anticipated declines in minority students and that allowing transfer students will improve diversity, and (2) resident students enrolled in nonpublic schools will have an equitable opportunity to participate in the transfer program. Districts are not permitted to accept transfer students on the basis that they may improve nonacademic programs if the student has a handicap, attendance problems, or disciplinary concern that the school cannot support.¹⁸² Only 16 out of 731 New York school districts participate in the program.¹⁸³ School districts can charge tuition to transfer students. For instance, Pelham Public School's tuition rate for the 2024-25 school year was nearly \$21,000 for non-resident students in grades K-6.¹⁸⁴ Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to seven years.¹⁸⁵

New York scores 30 points—a grade of F—ranking 26th overall with 41 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.

¹⁸¹ Cornell Law School, N.Y. Comp. Codes R. & Regs. tit. 8 § 175.24, www.law.cornell.edu/regulations/new-york/8-NYCRR-175.24 (accessed 29 April 2025).

¹⁸² Ibid.

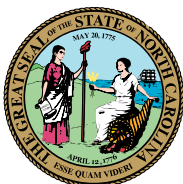
¹⁸³ Monroe One, Urban-Suburban, Interdistrict Transfer Program, www.monroe.edu/Page/2639 (accessed 29 April 2025); New York State Department of Education, "New York State Education at a Glance," www.data.nysed.gov/ (accessed 29 April 2025).

¹⁸⁴ Pelham Public Schools, "Non-resident Tuition," <https://www.pelhamschools.org/parents-and-community/tuition-paying-students> (accessed 5 August 2025).

¹⁸⁵ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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

NORTH CAROLINA TIES FOR DEAD LAST.



The Tar Heel State does not have any codified open enrollment options.¹⁸⁶

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.¹⁸⁷

North Carolina scores 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

¹⁸⁶ Congressional Research Service, "Overview of Public and Private School Choice Options."

¹⁸⁷ 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.¹⁸⁸ Transfer applications can only be rejected if there is a lack of capacity in a program, grade level, or school. While school districts cannot influence students' decisions to participate in open enrollment, they can provide informational materials about open enrollment at any time.

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

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

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

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

¹⁸⁸ North Dakota Legislative Branch, Century Code Title 15.1-31, www.ndlegis.gov/general-information/north-dakota-century-code/index.html (accessed 29 April 2025).

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 79,000 students used cross-district open enrollment during the 2023-24 school year, approximately 5% of students enrolled in the state's traditional public schools.¹⁸⁹ Districts must enroll transfer students whose parent is active duty military stationed in Ohio.¹⁹⁰ 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.¹⁹¹ At least 22 school districts charged tuition to transfer students as of 2024. Of these districts, the average tuition rate is \$11,000.¹⁹² Parents who falsify their address for unsanctioned student transfers can be incarcerated for up to three years.¹⁹³

The Buckeye State requires all districts to have a within-district transfer policy in place if there is more than one school building serving the same grades inside the district. Districts with a within-district policy must annually inform parents of their education options; however, it is unclear if school districts must post this information on their website. While reviewing applications, school districts must prioritize those from the resident district and returning students. However, districts have significant discretion in how the within-district policy is implemented.¹⁹⁴

Although the SEA publicly reports which districts participate in open enrollment and to what degree, it does not track why transfer applications were rejected.¹⁹⁵ Nor are districts

¹⁸⁹ Schwalbach, "K-12 open enrollment by the numbers: 2025."

¹⁹⁰ 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-3313.98/4-9-2025 (accessed 29 April 2025).

¹⁹¹ Ohio Laws & Administrative Rules, Ohio Revised Code, Title 33 Education-Libraries, Chapter 3313 Boards of Education, §3313.97, www.codes.ohio.gov/ohio-revised-code/section-3313.97; §3313.98, <https://codes.ohio.gov/ohio-revised-code/section-3313.98> (accessed 29 April 2025); §3313.981, www.codes.ohio.gov/ohio-revised-code/section-3313.981 (accessed 29 April 2025).

¹⁹² 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 29 April 2025).

¹⁹³ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

¹⁹⁴ Ohio Department of Education and Workforce, "Open Enrollment," March 20, 2025, www.education.ohio.gov/Topics/Ohio-Education-Options/Open-Enrollment (accessed 29 April 2025).

¹⁹⁵ 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 29 April 2025); Deven Carlson, "Open Enrollment and Student Diversity in Ohio's Schools," Thomas B. Fordham Institute, January 2021, www.fordhaminstitute.org/ohio/research/open-enrollment-and-student-diversity-ohios-schools (accessed 29 April 2025).

required to publicly report their available capacity. Ohio’s open enrollment policy requires that school districts are open to all students regardless of their ability or disability.¹⁹⁶ 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 scores 50 points—a grade of F—ranking 18th place overall. If Ohio adopted statewide cross-district open enrollment, its score would improve to a B.

During the 2024 legislative session, State Sen. Kristina D. Roegner introduced Senate Bill 208, which aimed to prioritize transfer applicants who are the children of active-duty military personnel. The proposal passed in the Senate chamber, but failed in the House.¹⁹⁷

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

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

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

¹⁹⁶ 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 29 April 2025).

¹⁹⁷ The Ohio Legislature, Senate Bill 208, www.legislature.ohio.gov/legislation/135/sb208 (accessed 29 April 2025).

OREGON'S OPEN ENROLLMENT POLICY GETS AN F.



Oregon sunsetted its cross-district open enrollment option in 2019. The Beaver State does permit voluntary cross-district transfers to occur when districts contract with each other or when special circumstances arise for students, such as homelessness, documented cyberbullying or severe harassment, a parent's death or military deployment, a student's medical condition, or the availability of safe and affordable childcare for the student. Under these circumstances, school districts can also prioritize the siblings of current transfer students or those students who received permission to remain enrolled even though they experienced an address change. However, state law doesn't stop school districts from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing. Moreover, rejected applicants are not guaranteed an appeal to a non-district entity.¹⁹⁸

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

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

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

¹⁹⁸ Oregon Legislature, Chapter 339 — School Attendance; Admission; Discipline; Safety, 2021 Edition, 339.125, 339.127-128, 339.155, www.oregonlegislature.gov/bills_laws/ors/ors339.html (accessed 29 April 2025); Oregon Secretary of State, Oregon Department of Education, 581-021-0019 Interdistrict Transfer Agreement, www.secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=oFVdECCrQwTmveSDYbretX7qm8imra56QjvdkmnH7XxVVqmkkQJz!327936764?ruleVrsnRsn=144548 (accessed 29 April 2025).

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

PENNSYLVANIA'S OPEN ENROLLMENT PROGRAM GETS A FAILING GRADE.



In Pennsylvania, voluntary cross-district open enrollment may occur with the permission of the receiving district so long as it is more convenient for the transfer student. However, transfer students must live at least 1.5 miles or more from their assigned school. When a cross-district transfer is considered convenient, the sending district must pay the receiving district the cost of tuition.¹⁹⁹ Voluntary within-district transfers are permitted so long as parents can show good cause to the school board, which can reassign the transfer student to any other school in the district. However, state law doesn't stop school districts from denying applicants based on their ability or disability. School districts are not required to inform rejected applicants why they were denied in writing.

Moreover, rejected applicants are not guaranteed an appeal to a non-district entity.²⁰⁰ 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 \$500.²⁰¹

The Keystone State scores 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.

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.

¹⁹⁹ 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 29 April 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 29 April 2025).

²⁰⁰ 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 29 April 2025).

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

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

RHODE ISLAND GETS AN F.



Voluntary cross-district and within-district open enrollment are permitted when the school committee of any city or town finds it more convenient for a residentially assigned student to transfer to a school in an adjoining city or town. School districts are not prohibited from denying transfer applicants based on their abilities or disabilities. They also aren't required to inform rejected applicants why their applications were denied. Rejected applicants cannot necessarily appeal their denial to a non-district entity. The sending school district pays the cost of tuition.²⁰²

Rhode Island scores 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

²⁰² 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 29 April 2025); 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 29 April 2025).

SOUTH DAKOTA'S OPEN ENROLLMENT POLICY TIES FOR 10TH 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.²⁰³ During the 2023-24 school year, more than 9,000 students used cross-district open enrollment, approximately 7% of students enrolled in the state's traditional public schools.²⁰⁴ 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.²⁰⁵ 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.²⁰⁶ 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.²⁰⁷

²⁰³ South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-21. Admission of nonresident students, www.sdlegislature.gov/Statutes/13-28-21 (accessed 29 April 2025); South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-40. Enrollment options program established, www.sdlegislature.gov/Statutes/13-28-40 (accessed 29 April 2025).

²⁰⁴ Schwalbach, "K-12 open enrollment by the numbers: 2025."

²⁰⁵ 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 29 April 2025).

²⁰⁶ 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 29 April 2025).

²⁰⁷ South Dakota Legislature: Legislative Research Council, Codified Laws, 13-28-47. Disclosure, www.sdlegislature.gov/Statutes/13-28-47 (accessed 29 April 2025).

Moreover, transfer students are not entitled to a free education and could be charged tuition.²⁰⁸

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

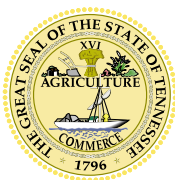
South Dakota policymakers can improve their open enrollment options in three main ways:

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

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

²⁰⁸ 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 29 April 2025).

TENNESSEE RANKS 19TH 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.²⁰⁹ 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.²¹⁰

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 scores 49 points—a grade of F—ranking 19th overall with Louisiana. If the state adopted statewide cross-district open enrollment, it could improve its grade to a C+.

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.

²⁰⁹ Tenn. Code Ann. § 49-6-3104, <https://law.justia.com/codes/tennessee/title-49/chapter-6/part-31/section-49-6-3104/> (accessed 29 April 2025); Tenn. Code Ann. § 49-6-3003, www.law.justia.com/codes/tennessee/2021/title-49/chapter-6/part-30/section-49-6-3003/ (accessed 29 April 2025).

²¹⁰ Tenn. Code Ann. § 49-2-128, www.law.justia.com/codes/tennessee/title-49/chapter-2/part-1/section-49-2-128/ (accessed 29 April 2025).

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

TEXAS' OPEN ENROLLMENT POLICY GETS AN F.



The Lone Star State does not require statewide cross-district open enrollment. Transfers occur upon the approval of both the student's parents and the receiving school district. During the 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.²¹¹ While Texas boasts a robust transparency system, the state falls short when it comes to open enrollment transparency.²¹²

Voluntary within-district transfers are at the discretion of the school district.²¹³ 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.²¹⁴ Based on the evidence, the school district decides to accept or reject the transfer students' petitions.²¹⁵

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.²¹⁶

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

²¹¹ Schwalbach, "K-12 open enrollment by the numbers: 2025."

²¹² Texas Education Agency, "Enrollment Trends," www.tea.texas.gov/reports-and-data/school-performance/accountability-research/enrollment-trends (accessed 29 April 2025); Texas Constitution and Statutes, Education Code, Title 2, Chapter 25, Subchapter B, §25.0031-§25.0038, www.statutes.capitol.texas.gov/?link=ED (accessed 29 April 2025); 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 29 April 2025).

²¹³ Texas Constitution and Statutes, Education Code, Title 2, Chapter 25.032, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 29 April 2025).

²¹⁴ Texas Constitution and Statutes, Education Code, Title 2, Chapter 25.033, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 29 April 2025).

²¹⁵ Texas Constitution and Statutes, Education Code, Title 2, Chapter 25.034, www.statutes.capitol.texas.gov/Docs/ED/htm/ED.25.htm#25.031 (accessed 29 April 2025).

²¹⁶ 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 29 April 2025).

unsanctioned student transfers can be incarcerated for up to 10 years and fined up to \$10,000.²¹⁷

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

Sen. Angela Paxton introduced Senate Bill 686, which would establish statewide cross- and within-district open enrollment and make public schools free to all students. It would also codify robust transparency provisions at the state and local levels.²¹⁸ It passed the Senate.²¹⁹ If it had been signed into law, Texas’ grade would have increased to an A.²²⁰

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

²¹⁷ DeRoche, Korman, and Hinds, “When Good Parents Go to Jail.”

²¹⁸ Jude Schwalbach, “Texas aims to be in the top five states with the best K-12 open enrollment policies,” Reason Foundation, Commentary, February 19, 2025, www.reason.org/commentary/texas-aims-to-be-in-the-top-five-states-with-the-best-k-12-open-enrollment-policies/ (accessed 29 April 2025).

²¹⁹ Texas Legislature Online History, Bill: SB 686, www.capitol.texas.gov/BillLookup/History.aspx?LegSess=89R&Bill=SB686 (accessed 29 April 2025).

²²⁰ Jude Schwalbach, “Texas open enrollment bill would significantly increase school choice,” Reason Foundation, Commentary, May 8, 2025, www.reason.org/commentary/texas-open-enrollment-bill-would-significantly-increase-school-choice/ (accessed 15 May 2025).

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.²²¹ Students' whose school closes permanently automatically become eligible for a within-district transfer.²²²

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.²²³ Schools cannot typically transport transfer students across district boundaries.

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

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

²²¹ 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 29 April 2025).

²²² Utah State Legislature, H.B. 341 School Closures Amendments, www.le.utah.gov/%7E2024/bills/static/HB0341.html (accessed 29 April 2025)

²²³ Schwalbach, "K-12 open enrollment by the numbers: 2025."

- 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-

VERMONT'S OPEN ENROLLMENT POLICY GETS AN F.



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

The Green Mountain State, however, does not allow districts to charge tuition to families. Although each district is required to announce its available capacity as of February 1st of each year, the state code does not require that districts post their available capacity online.²²⁴

Vermont scores 48 points—an F—ranking 20th overall. By adopting cross- and within-district open enrollment, the Green Mountain State could improve its grade to a B+.

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

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

²²⁴ Vermont Statutes Online, 16 V.S.A. § 821, 822a, 1222, www.legislature.vermont.gov/statutes/title/16 (accessed 29 April 2025).

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

VIRGINIA TIES FOR SECOND LAST.



Virginia has no cross-district open enrollment. However, the state has a limited voluntary within-district open enrollment policy. School districts, locally called divisions, allowing within-district transfers must post their policies and procedures on their websites. Yet divisions can prohibit their own employees from advertising their open enrollment options. Divisions can prioritize the transfer applications of students whose attendance zone changed in the past two years, siblings of students currently attending the school, and the children of school personnel.²²⁵

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.²²⁶ 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.²²⁷

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

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.

²²⁵ 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 29 April 2025).

²²⁶ 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 29 April 2025).

²²⁷ 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 29 April 2025).

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

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



Washington State permits a voluntary cross-district open enrollment under limited conditions, such as the receiving school district being closer to a parent's work or if attending the non-resident district would significantly improve the student's financial, health, or education conditions. However, districts can reject transfer applicants if their acceptance would result in the district experiencing a "financial hardship." As well, the law does not stop school districts from denying applicants based on their ability or disability. The transfer only occurs if both the receiving and sending districts agree; the receiving district is only "strongly encouraged" to honor the transfer student's school selection. Districts only provide information about cross-district open enrollment upon request.²²⁸ Students seeking to transfer schools cannot be charged tuition.²²⁹ Rejected applicants can only appeal to a non-district entity under limited circumstances, but districts must inform them in writing why they were denied.²³⁰

All school districts are required to participate in statewide within-district open enrollment.²³¹ 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.²³² Districts must prioritize transfer applications for students who are children of the full-time teaching staff. Within-district transfer students cannot be charged tuition.²³³ Parents, however, who falsify their address for unsanctioned student transfers can be fined up to \$500.²³⁴

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 scores 56 points—a grade of F—ranking 14th overall. If Washington adopted statewide cross-district open enrollment, it could improve its grade to B.

²²⁸ RCW 28A.225.225, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.225 (accessed 29 April 2025).

²²⁹ RCW 28A.225.220, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.220 (accessed 29 April 2025).

²³⁰ RCW 28A.225.230, www.apps.leg.wa.gov/rcw/default.aspx?cite=28a.225.230 (accessed 29 April 2025).

²³¹ RCW 28A.225.270, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.270 (accessed 29 April 2025).

²³² RCW 28A.225.290, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.290 (accessed 29 April 2025); RCW 28A.225.300, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.300 (accessed 29 April 2025).

²³³ RCW 28A.225.210, www.app.leg.wa.gov/RCW/default.aspx?cite=28A.225.210 (accessed 29 April 2025).

²³⁴ DeRoche, Korman, and Hinds, "When Good Parents Go to Jail."

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

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

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

WEST VIRGINIA'S OPEN ENROLLMENT POLICY TIES FOR 4TH PLACE.



All West Virginia school districts must participate in both cross- and within-district open enrollment.²³⁵ During the 2023-24 school year, nearly 8,000 students used open enrollment, about 3% of students in public schools.²³⁶

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 scores 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:

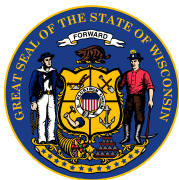
- Require school districts to post their available capacity by grade level.
- Make public schools open to all students regardless of ability.
- Publish the annual open enrollment report by LOCEA.

²³⁵ West Virginia Code, §18-5-16. Student transfers; definitions; appeals; calculating net enrollment; fees for transfer, www.code.wvlegislature.gov/18-5-16/ (accessed 29 April 2025).

²³⁶ Schwalbach, "K-12 open enrollment by the numbers: 2025."

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

WISCONSIN SCORES A B-.



All districts must participate in Wisconsin’s statewide cross-district open enrollment option so long as they have available capacity. In fact, nearly 61,000 students used cross-district open enrollment during the 2023-24 school year, approximately 8% of students in Wisconsin’s brick and mortar public schools.²³⁷ 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. The state doesn’t stop school districts from denying applicants based on their ability or disability. The latest data showed that 20% of rejected applicants were denied for special education related reasons.²³⁸ Unselected students are placed on a waiting list in case any selected students choose not to enroll in the program. The Badger State also has a voluntary within-district open enrollment option. The school board can give preference to transfer applicants who are inside the same school district. While school districts are not required to inform rejected applicants why they were denied in writing, rejected applicants can appeal their denials to the Department of Public Instruction.²³⁹

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.²⁴⁰ Also, Wisconsin does not permit districts to charge tuition to transfer students. Wisconsin’s student funding mechanism is cutting edge, allowing all education dollars to follow each transfer student regardless of where they go to school.²⁴¹

²³⁷ Schwalbach, “K-12 open enrollment by the numbers: 2025.”

²³⁸ Ibid.

²³⁹ Wisconsin State Legislature, 118.51, www.docs.legis.wisconsin.gov/statutes/statutes/118/51; (accessed 29 April 2025); Wisconsin State Legislature, 118.57, www.docs.legis.wisconsin.gov/statutes/statutes/118/57 (accessed 29 April 2025); Wisconsin Department of Instruction, Public School Open Enrollment, www.dpi.wi.gov/open-enrollment (accessed 29 April 2025); 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 29 April 2025).

²⁴⁰ Wisconsin Department of Public Instruction, Open Enrollment Data and Reports, www.dpi.wi.gov/open-enrollment/data (accessed 29 April 2025); 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 29 April 2025).

²⁴¹ 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 29 April 2025).

Wisconsin scores 80 points, a grade of B-, ranking 10th overall with South Dakota. By adopting statewide within-district open enrollment, the Badger State could improve its grade to an A.

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

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

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

WYOMING'S OPEN ENROLLMENT POLICY GETS A FAILING GRADE.



Wyoming permits voluntary cross-district open enrollment if the school district's board of trustees decides that attendance in the receiving district is more convenient or desirable because of services available in the receiving district. However, the receiving district does not have to admit transfer students if their admission would cause overcrowding. State law doesn't stop school districts from denying applicants based on their abilities or disabilities.²⁴² The state code also permits voluntary within-district open enrollment, but participation is at the discretion of each district.²⁴³

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

Sen. Evie Brennan introduced Senate File 109, which would have established statewide within-district open enrollment and district level transparency. It would have also ensured that districts cannot discriminate against applicants with disabilities. If codified it would have improved Wyoming's score by 15 points. It passed the Senate, but failed in the House.²⁴⁴

²⁴² 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 29 April 2025).

²⁴³ 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 29 April 2025).

²⁴⁴ State of Wyoming 68th Legislature, SF 109, www.wyoleg.gov/Legislation/2025/SF0109 (accessed 29 April 2025).

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.

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

PART 6

OTHER DEVELOPMENTS RELATED TO OPEN ENROLLMENT

In addition to the best open enrollment practices recommended in this study, policymakers should consider three other improvements: ensuring that federal Title I funds follow eligible transfer students, broadening the definition of persistently dangerous schools, and funding capital projects.

6.1

INCREASE TITLE I FLEXIBILITY

State policymakers could make federal Title I, Part A funds more flexible so eligible students could use them to transfer to schools in districts other than their assigned ones. The U.S. Department of Education's Office of Elementary and Secondary Education highlighted this in a series of federal memos to state superintendents and commissioners, encouraging them to maximize the flexibility of Title I, Part A funds provided under federal law.²⁴⁵ These funds are appropriated via the Elementary and Secondary Education Act

²⁴⁵ Hayley B. Sanon, "OESE Letter to State Chiefs-Title 1 Part A," United States Department of Education, Office of Elementary and Secondary Education, March 31, 2025, www.ed.gov/sites/ed/files/2025-03/OESE%20Letter%20to%20State%20Chiefs-%20Title%201%20Part%20A%20Guidance%20%28March%2031%2C%202025%29%20.pdf (accessed 1 May 2025); Hayley B. Sanon, "U.S. Department of Education Issues School Choice Guidance to States on Turning Around Failing Schools," United States Department of Education, Office of Elementary and Secondary Education, June 26, 2025, www.ed.gov/about/news/press-

(ESSA) of 2015, delivering additional funds to school districts with low-income students. During the 2021-22 school year, the U.S. Congress appropriated \$17.9 billion under Title I funds.²⁴⁶

Under section 1003A of the ESEA, states can reserve up to 3% of their Title I funds to pay for direct student services, which can “allow parents to exercise meaningful choice in their child’s education.” Notably, the permitted uses under section 1003A pertain to cross- and within-district open enrollment. For example, districts can receive these funds when eligible students enroll and participate in “academic courses not otherwise available at a student’s school,” such as Advanced Placement (AP) classes.²⁴⁷ Similarly, the district could use these funds to pay for transportation costs for eligible students using cross-district open enrollment to transfer to a school that is not identified as in need of comprehensive support and improvement (CSI), a federal designation for low-performing schools.²⁴⁸

A later memo released in June noted that states could prioritize failing districts and schools (those identified as in need of comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI)) that incorporate open enrollment options into their support and improvement plans when awarding grants under ESEA Section 1003(a). Eligible entities could use these funds to pay for providing information to parents about open enrollment.²⁴⁹

Additionally, ESEA Section 1111(d) lets students assigned to schools identified as CSI use within-district open enrollment to transfer to a non-CSI school. Districts that offer this option to students assigned to CSI schools can spend up to 5% of their Title I, Part A funds to pay for the cost of transporting within-district transfers.²⁵⁰

However, the agency noted that only one state, Ohio, currently uses Title I funds under section 1003A.²⁵¹ This is likely because many states layer additional, and often more stringent, regulations on top of federal ones to minimize non-compliance and avoid

release/us-department-of-education-issues-school-choice-guidance-states-turning-around-failing-schools (accessed 14 July 2025).

²⁴⁶ National Center for Education Statistics, Fast Facts: Title I, 2025, www.nces.ed.gov/fastfacts/display.asp?id=158 (accessed 1 May 2025).

²⁴⁷ U.S. Congress, “Every Student Succeeds Act,” Public Law 114-95, December 10, 2015, www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf (accessed 1 May 2025).

²⁴⁸ Ibid.

²⁴⁹ Sanon, “U.S. Department of Education Issues School Choice Guidance to States on Turning Around Failing Schools.”

²⁵⁰ Ibid.

²⁵¹ Sanon, “OESE Letter to State Chiefs-Title 1 Part A.”

penalties.²⁵² Unfortunately, these additional state regulations can discourage school districts from using Title I funds for new efforts even when they are permitted under federal law. Identifying and eliminating all onerous state-imposed regulations that limit how Title I funds are used is key to making these funds more flexible so students can use them to attend traditional public schools other than their assigned ones.

6.2 PERSISTENTLY DANGEROUS PUBLIC SCHOOLS

State policymakers could expand students' transfer options for those assigned to persistently dangerous public schools. The federal Unsafe School Choice Option was codified in 2001 under the No Child Left Behind Act (NCLB), and reauthorized in 2015 under the ESSA. This provision lets students assigned to persistently dangerous schools or those who are victims of violent crimes use cross-district open enrollment to transfer schools in other districts.

However, only eight states have ever identified any schools as persistently dangerous as of 2019.²⁵³ This is because of narrow definitions of persistently dangerous schools set by states, likely resulting in significant under-identification. For example California has never identified any schools as unsafe despite having one of the largest K-12 populations in the nation.²⁵⁴ This is likely because schools are only labeled as unsafe "if, for three consecutive years, there were more than three specific violent incidents, those incidents amounted to more than one event per 100 students, and the perpetrator was expelled."²⁵⁵ Similarly, other states, such as Maryland, have avoided designating schools as persistently dangerous despite recent increases in in-school and out-of-school suspensions and reports of attacks, threats, and fights.²⁵⁶ Narrow definitions of unsafe school result in no schools being identified as such, rendering the federal law moot in practice.

²⁵² Melissa Junge and Sheara Krcaric, "Federal Compliance Works Against Education Policy Goals," American Enterprise Institute, Outlook No. 6, July 28, 2011, www.aei.org/research-products/report/federal-compliance-works-against-education-policy-goals/ (accessed 1 May 2025).

²⁵³ Carolyn Phenicie, "The 20-Year-Old Federal Education Provision You've Never Heard Of: For Decades, Students Have Had the Right to Transfer Out of 'Persistently Dangerous' Schools," *The74*, April 23, 2019, www.the74million.org/article/the-20-year-old-federal-education-provision-youve-never-heard-of-for-decades-students-have-had-the-right-to-transfer-out-of-persistently-dangerous-schools/ (accessed 13 May 2025).

²⁵⁴ Jude Schwalbach, "Funding Education Opportunity: The Trump administration's role in supporting school choice," Reason Foundation, Funding Education Opportunity Newsletter, May 20, 2025, www.reason.org/education-newsletter/the-trump-administrations-role-in-supporting-school-choice/ (accessed 21 May 2025).

²⁵⁵ Phenicie, "The 20-Year-Old Federal Education Provision You've Never Heard Of: For Decades, Students Have Had the Right to Transfer Out of 'Persistently Dangerous' Schools."

²⁵⁶ Chris Papst, "Despite school violence increase, zero Maryland schools labeled 'persistently dangerous,'" Fox45 News, May 12, 2025, www.foxbaltimore.com/news/project-baltimore/despite-school-violence-increase-zero-maryland-schools-labeled-

May 2025 polling by EdChoice-Morning Consult showed that nearly one in five respondents indicated that concerns for physical safety impeded learning for their youngest child.²⁵⁷ Moreover, these concerns are not new, with data from Florida and Washington, D.C. indicating that parents used private school choice programs to avoid safety concerns at their students' assigned public schools.²⁵⁸ While likely unpopular with public schools, state policymakers should broaden definitions of persistently dangerous schools to more accurately reflect schools' safety. Policymakers can make these definitions as broad as they see fit, and could include failing schools. This would make it easier for more students to transfer to safer public schools under the Unsafe School Choice Option. However, lawmakers should ensure that real transfer opportunities are afforded to students assigned to unsafe schools. One way to guarantee this is requiring receiving districts to accommodate these transfers regardless of their capacity.²⁵⁹

6.3

FUNDING CAPITAL PROJECTS

The 2024 version of this report noted that policymakers need to reconsider how to fund local capital projects, i.e. local levies and bonds, because many students no longer attend schools based on their residential address.²⁶⁰ Accordingly, gaining voter approval for capital projects can be more challenging, as school districts may lack support from local families who send their children to schools other than their assigned ones. A new study, published by Brown University's Annenberg Institute, found that Michigan families sending their children to charter schools or using open enrollment were less likely to participate in off-cycle school bond elections.²⁶¹ This finding is consistent with anecdotal evidence from Arizona and Minnesota, where some school districts have struggled to pass bonds because many students are enrolled in schools other than their assigned ones. Overall, this new research highlights the need for policymakers to consider other funding mechanisms for districts' capital projects.

persistently-dangerous-president-donald-trump-unsafe-school-choice-option-victim-of-violence-ryan-coleman-randallstown-naacp (accessed 13 May 2025).

²⁵⁷ EdChoice Morning-Consult, "National Tracking Poll #2503017 March 06-09, 2025," www.edchoice.morningconsultintelligence.com/downloads/ (accessed 13 May 2025).

²⁵⁸ Jude Schwalbach and James Selvey, "Here are 10 Reasons School Choice is Winning," The Heritage Foundation, Commentary, January 24, 2019, www.heritage.org/education/commentary/here-are-10-reasons-school-choice-winning (accessed 13 May 2019).

²⁵⁹ Schwalbach, "Funding Education Opportunity: The Trump administration's role in supporting school choice."

²⁶⁰ Schwalbach, "Public Schools Without Boundaries 2024."

²⁶¹ Aliyah McIlwain, Sarah Reckhow, and Antonia C. Gordon, "School choice and household participation in school district politics," EdWorkingPaper No.25-1186, Annenberg Institute, Brown University, May 2025, www.edworkingpapers.com/ai25-1186 (accessed 2 June 2025).

PART 7

CONCLUSION

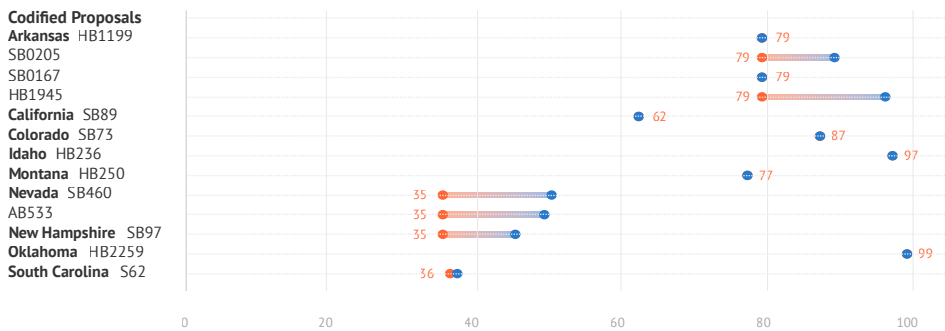
Four states significantly improved their open enrollment laws during the 2025 legislative sessions. Arkansas, Nevada, and New Hampshire adopted statewide within-district open enrollment, increasing the total number of states with this policy to 17. To date, 16 states have strong cross-district open enrollment laws. South Carolina improved its district level transparency, requiring districts to post their available capacity on their websites.

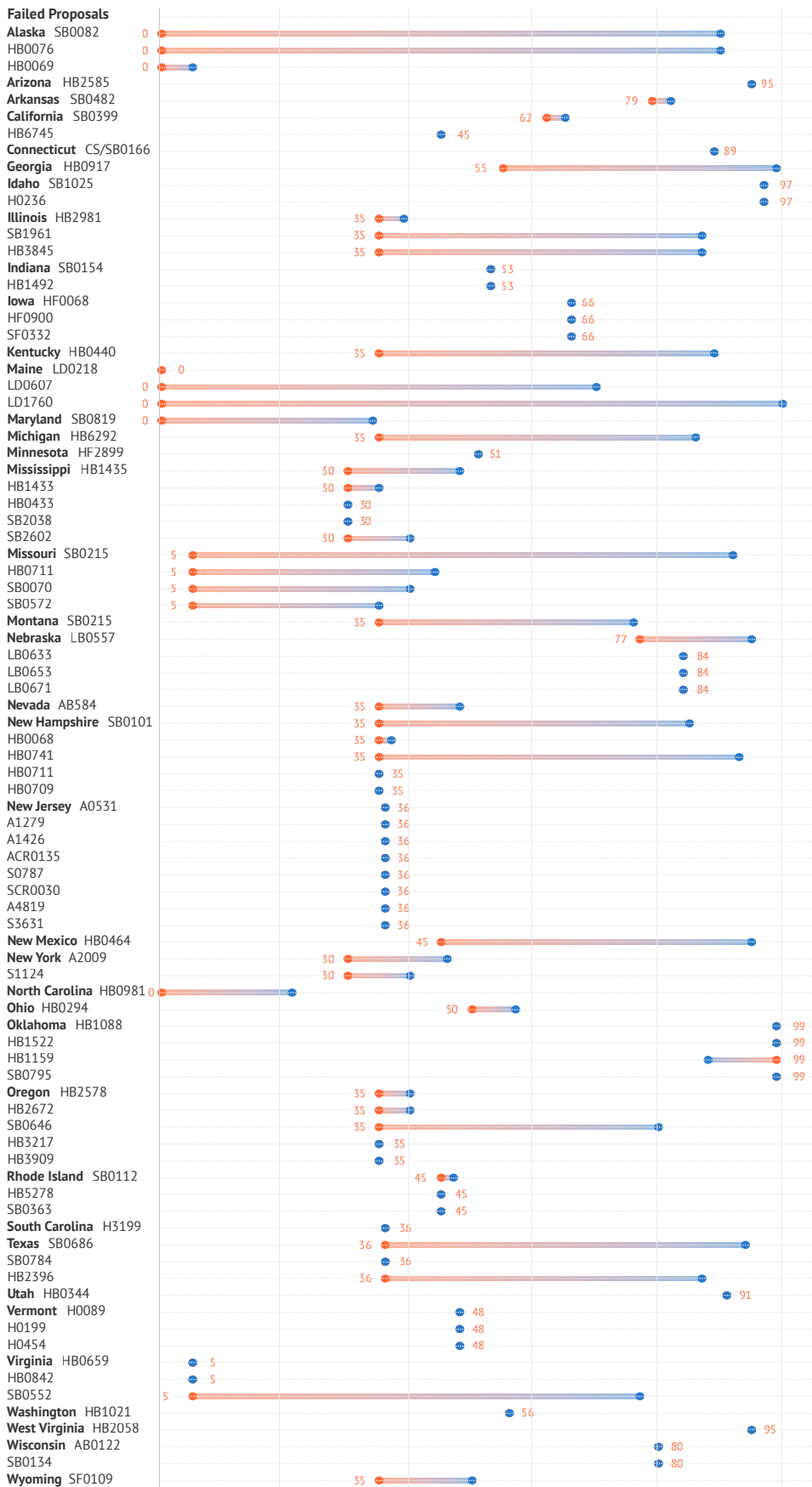
However, no states fully adopted Reason Foundation’s best practices regarding statewide cross-district open enrollment, making public schools open to all students regardless of ability or disability, and transparent district reporting. Despite the legislative victories this year, only four states—Arkansas, California, Nebraska, and West Virginia—have a strong appeals process for rejected applicants. Similarly, only five states—Arkansas, Kansas, Nevada, Oklahoma, and Wisconsin—require their SEAs to publish annual reports on open enrollment that include the number of transfer students, the number of rejected applicants, and why their applications were denied.²⁶² As a result, these two metrics are the most common weakness in open enrollment policies nationwide.

²⁶² Jude Schwalbach, “Transparent open enrollment reports help parents and taxpayers hold public schools accountable,” Reason Foundation, Commentary, July 22, 2024, www.reason.org/commentary/transparent-open-enrollment-reports-help-parents-taxpayers-hold-public-schools-accountable/ (accessed 23 July 2024); Smith, “Improving K-12 open enrollment transparency is low-hanging fruit for state policymakers;” Schwalbach, “Transparent K-12 open enrollment data matters to parents, policymakers and taxpayers.”

APPENDIX A

OPEN ENROLLMENT PROPOSALS' IMPACT ON STATES' RANKINGS IF PASSED





APPENDIX B

DETAILED IMPACT OF OPEN ENROLLMENT PROPOSALS' ON STATES' RANKINGS IF PASSED

State	Bill	Sponsor	#1 Statewide cross-district	#2 Statewide within-district	#3 No tuition	#4 Reg. students' disabilities	#4 Reg. students' abilities	#5 Tracks transfers	#5 Tracks denials	#5 Tracks denial reasons	#5 Reports published	#6 Policies posted	#6 Grade level capacity posted	#7 Neutral appeals	#7 Written reasons for denial	Affect on score	2024 score
Alaska	SB0082	• Gov. Mike Dunleavy	60	15	10			1	1	1			2			90	0
	HB0076	• Gov. Mike Dunleavy	60	15	10			1	1	1			2			90	0
	HB0069	• Rep. Rebecca Himschoot (002)	5												5	0	
Arizona	HB2585	• Rep. Brian Garcia (008)	60	15	10	3		1			1	2	2		1	95	95
Arkansas	HB1199	• Rep. Sonia Eubanks Barker (096)	60	5	10	3									1	79	79
	SB0205	• Sen. Alan Clark (07)	60	15	10	3									1	89	79
	SB0167	• Sen. Alan Clark (07)	60	5	10	3									1	79	79
	SB0482	• Sen. Kim Hammer (16)	60	5	10	3	2					2			0	82	79
	HB1945	• Rep. Austin McCollum (008)	60	15	10	3		1	1	1	1	2		1	1	96	79
	SB0624	• Sen. Breanne Davis (25)	60	15	10	3	2	1	1	1	1			1	1	96	79
California	SB0399	• Sen. Roger NIELLO (06)	30	15	10	3	2	1	1	1	1				1	65	62
Colorado	SB0073	• Sen. Larry Liston (10)															
		• Sen. Janice Marchman (15)															
		• Rep. Rebecca Keltie (016)															
Connecticut		• Rep. Matthew Martinez (062)	60	15	10							2				87	87
	HB6745	• Rep. Aundre Bumgardner (041)	30	5	10											45	45
	CS/SB0166	Sen. Corey Simon	60	15	10							2	2			89	89
Georgia	HB0917	• Rep. Todd Jones (025)															
Idaho		• Rep. Scott Hilton (048)	60	15	10	3	2		1	1	1	2	2	1	1	99	55
	SB1025	• Education Committee	60	15	10	3	2		1	1		2	2			97	97
	HB0236	• Committee, House Education	60	15	10	3	2		1	1		2	2		1	97	97
Illinois	HB2981	• Rep. William "Will" Davis (030)	30	5				1	1	1	1					39	35
	SB1961	• Sen. Don Harmon (39)	60	5	10	3	2	1	1	1	1		2		1	87	35
	HB3845	• Rep. Jawaharial Williams (010)	60	5	10	3	2	1	1	1	1		2		1	87	35
Indiana	SB0154	• Sen. Lonnie Randolph (02)	30	5	10	3	2	1			1				1	53	53
	HB1492	• Rep. Cory Criswell (054)	30	5	10	3	2	1			1				1	53	53
		• Rep. Jacob Bossman (014)	60	5	0	0	0	1	0	0	0	0	0	0	0	66	66
Iowa	HF0068	• Committee, House Education	60	5	0	0	0	1	0	0	0	0	0	0		66	66
	HF0900	• Committee, House Education	60	5	0	0	0	1	0	0	0	0	0	0		66	66
	SF0332	• Sen. Jesse Green (24)	60	5	0	0	0	1	0	0	0	0	0	0		66	66
Kentucky	HB0440	• Rep. Steven Doan (069)	60	5	10	3	2	1	1	1	1	2	2		1	89	35
Maine	LD0218	• Rep. Tavis Rock Hasenfus (057)															
		• Rep. Amy Bradstreet Arata (104)	0	0	0												0
	LD0607	• Rep. Laurel D. Libby (090)															
		• Rep. Robert A. Foley (145)															
		• Rep. Steven D. Foster (032)															
		• Rep. Jennifer L. Poirier (070)															

PUBLIC SCHOOLS WITHOUT BOUNDARIES 2025

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State	Bill	Sponsor	#1 Statewide cross-district	#2 Statewide within-district	#3 No tuition	#4 Reg. students' disabilities	#4 Reg. students' abilities	#5 Tracks transfers	#5 Tracks denials	#5 Tracks denial reasons	#5 Reports published	#6 Policies posted	#6 Grade level capacity posted	#7 Neutral appeals	#7 Written reasons for denial	Affect on score	2024 score
		• Rep. David W. Boyer Jr. (087)															
		• Rep. Kimberly M. Haggan (036)															
		• Rep. Rolf A. Olsen Jr. (086)															
		• Rep. Michael J. Lance (079)	60	0	10											70	0
	LD1760	• Rep. Kimberly M. Haggan (036)	60	15	10	3	2	1	1	1	1	2	2	1	1	100	0
Maryland	SB0819	• Sen. Ron Watson (23);															
		• Sen. Dalya Attar (41)	30									2	2			34	0
Michigan	HB6292	• Rep. Cam Cavitt (106)	60	5	10	3	2	1	1		1		2		1	86	35
Minnesota	HF2899	• Rep. Cedrick Frazier (043A)	30	5	10	3	2	1								51	51
Mississippi	HB1435	• Rep. Jansen Owen (106)	30	5		3	2	1	1		1	2	2		1	48	30
	HB1433	• Rep. Rob Roberson (043)	30	5				1								35	30
	HB0433	• Rep. Bryant Clark (047)	30													30	30
	SB2038	• Sen. Michael McLendon (01)	30													30	30
	SB2602	• Sen. Dennis DeBar, Jr. (43)	30		10											40	30
Missouri	SB0215	• Sen. Curtis Trent (20)	60	15	10	3	2	1							1	92	35
	HB0711	• Rep. Brad Pollitt (052)	0	5		3	2					2		1	1	14	35
	SB0070	• Sen. David Gregory (15)	0	5								2	2		1	10	35
	SB0572	• Sen. Mary Elizabeth Coleman (22)	0	5												5	35
Montana	SB0215	• Sen. Curtis Trent (20)	60	5	10				1							76	35
	HB0250	• Rep. David Bedey (086)	60	5	10			1			1					77	77
Nebraska	LB0557	• Sen. Christy Armendariz (18)	60	15	10	3	2	1	1	1		0	0	1	1	95	77
	LB0633	• Sen. Ben Hansen (16)	60	5	10			1	1	1		2	2	1	1	84	84
	LB0653	• Sen. Dave Murman (38)	60	5	10			1	1	1		2	2	1	1	84	84
	LB0671	• Sen. Dave Murman (38)	60	5	10			1	1	1		2	2	1	1	84	84
Nevada	AB0533	• Committee, Assembly Education	30	15				1	1	1	1					49	35
	AB584		30	15				1				2				48	35
	SB0460	• Sen. Cannizzaro															
		• Sen. Dondero Loop															
		• Sen. Pazina															
		• Sen. Donate															
		• Sen. Neal															
		• Sen. Ohrensschall															
		• Sen. Scheible	30	15				1	1		1		2			50	35
New Hampshire	SB0097	• Sen. Victoria Sullivan (18)	30	15												45	35
	SB0101	• Sen. Timothy Lang (02)	60	15			2	1	1	1	1	2	2			85	35
	HB0068	• Rep. Erica Layon (013)	30	5										1	1	37	35
	HB0741	• Rep. Glenn Cordelli (007)	60	15	10		2	1	1	1	1		2			93	35
	HB0711	• Rep. Rep. Katy Peternel (006)	30	5												35	35
	HB0709	• Rep. Claudine Burnham (002)	30	5												35	35
New Jersey	A0531	• Assemb. Barranco, Chris (025)	30			3	2								1	36	36
	A1279	• Assemb. Alex Sauickie (012)	30			3	2								1	36	36
	A1426	• Assemb. Shama A. Haider (037)															
		• Assemb. Michael Venezia (034)															
		• Assemb. Ellen J. Park (037)	30			3	2								1	36	36
	ACR0135	• Assemb. Dawn Fantasia (024)	30			3	2								1	36	36
	S0787	• Gordon M. Johnson (37)															
		• Shirley K. Turner (15)	30			3	2								1	36	36
	SCR0030	• Sen. Jon Bramnick (21)															
		• Sen. Anthony Bucco (25)	30			3	2								1	36	36
	A4819	• Assem. Margie Donlon (011)	30			3	2								1	36	36
	S3631	• Sen. Joseph P. Cryan (20)	30			3	2								1	36	36
New Mexico	HB0464	• Rep. Rebecca Dow (038)	60	15	10	3		1	1	1	1		2		1	95	45
New York	A2009	• Rep. Robert Smullen (118)	30		10		2	1	1	1	1					46	30
	S1124	• Sen. Peter Oberacker (51)	30		10											40	30
North Carolina	HB0981	• Rep. Mike Schietzelt (035)															
		• Rep. Heather H. Rhyne (097)															
		• Rep. David Willis (068)	0	15								2	2	1	1	21	0
Ohio	HB0294	• Rep. Ty D. Matthews (083)															
		• Rep. Kevin Ritter (094)	30	15		3	2			1	1	2	2		1	57	50
Oklahoma	HB2259	• Rep. Nicole Miller (082)	60	15	10	3	2	1	1	1	1	2	2		1	99	99
	HB1088	• Rep. Dick Lowe (056)	60	15	10	3	2	1	1	1	1	2	2		1	99	99
	HB1522	• Rep. Dick Lowe (056)	60	15	10	3	2	1	1	1	1	2	2		1	99	99
	HB1159	• Rep. Mark Tedford (069)	60	5	10	3	2	1	1	1	1	2	2		0	88	99
	SB0795	• Sen. Dave Rader (39)															
		• Sen. Chad Caldwell (40)	60	15	10	3	2	1	1	1	1	2	2		1		99
Oregon	HB2578	• Rep. Emily McIntire (056);															
		• Sen. Sara Gelser Blouin (08)	30	5		3	2									40	35
	HB2672	• Rep. Emily McIntire (056)	30	5		3	2									40	35
	SB0646	• Sen. Daniel Bonham (26)	60	15		3	2									80	35
	HB3217	• Rep. Emily McIntire (056)	30			3	2									35	35
	HB3909	• Rep. Boomer Wright (009)															
		• Rep. Ed Diehl (17)	30			3	2									35	35
Rhode Island	SB0112	• Sen. Jessica de la Cruz (23)															
		• Sen. Elaine J. Morgan (34)															
		• Sen. Gordon E. Rogers (21)	30	5	10							2				47	45
	HB5278	• Rep. Samuel Azzinaro (037)															
		• Rep. Deborah Fellela (043)															
		• Rep. Patrick Kennedy (038)															
		• Rep. Mary Ann Shallcross Smith (046)															
		• Rep. Marvin Abney (073)															
		• Rep. Susan Donovan (069)															
		• Rep. Leonela Felix (061)															
		• Rep. Raymond Hull (006)															
		• Rep. Joseph Solomon, Jr. (022)															
		• Rep. Marie Hopkins (021)	30	5	10											45	45
	SB0363	• Sen. William Felag Jr. (10)															
		• Sen. Leonidas Raptakis (33)															
		• Sen. Peter Appollonio, Jr. (29)															
		• Sen. John Burke (09)															

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		• Sen. Dawn Euer (13)															
		• Sen. Jacob Bissailon (01)															
		• Sen. Pamela Lauria (32)	30	5	10											45	45
South Carolina	H3199	• Rep. Shannon Erickson (124);															
		• Rep. G. Murrell Smith, Jr (067);															
		• Rep. Chris Wooten (069);															
		• Rep. Tommy Pope (047);															
		• Rep. Wm. Weston Newton (120);															
		• Rep. Taylor, Bill (086)	30	5											1	36	36
	S0062	• Sen. Greg Hembree (28);															
		• Sen. Rex Rice (02);															
		• Sen. Larry Grooms (37)	30	5									1		1	37	36
Texas	SB0686	• Sen. Angela Paxton (008)	60	15	10			1	1	1	1	2	2			94	36
	SB0784	• Sen. Phil King (10)	30	5				1								36	36
	HB2396	• Rep. Harold Dutton Jr. (142)	60	15		3		1	1	1	1	2	2		1	87	36
Utah	HB0344	• Rep. Mark A. Strong;															
		• Sen. Ann Millner	60	15	10	2						2	2			91	
Vermont	H0089	• Rep. Michael Tagliavia (034)	30	5	10	3										48	48
	H0199	• Rep. Elizabeth Burrows (055)	30	5	10	3										48	48
	H0454	• Rep. Casey Toof (111)															
		• Rep. Patricia McCoy (110)															
		• Rep. Christopher Taylor (114)															
		• Rep. Joshua Dobrovich (100)															
		• Rep. Beth Quimby (105)	30	5	10	3										48	48
Virginia	HB0659	• Rep. Ballard, Jason S. (042)	5												5	5	
	HB0842	• Rep. Austin, Terry L. (037)	5												5	5	
	SB0552	• Sen. Peake, Mark J. (08)	60	5	10							2				77	5
Washington	HB1021	• Rep. Clyde Shavers (010)	30	15	10										1	56	56
West Virginia	HB2058	• Rep. Doug Smith (039)	60	15	10	3		1	1	1		2			2	95	95
Wisconsin	AB0122	• Rep. Duke Tucker (075)															
		• Rep. Lindee Rae Brill (027)															
		• Rep. Rob Kreibich (028)															
		• Rep. Jeffrey Mursau (036)															
		• Rep. Chuck Wichgers (084)	60	5	10			1	1	1	1				1	80	80
	SB0134	• Sen. André Jacque (01)															
		• Sen. Cory Tomczyk (29)	60	5	10			1	1	1	1				1	80	80
Wyoming	SF0109	• Sen. Evie Brennan (31)	30	15	0	3						2				50	35

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 Hill*, *National Review*, RealClear Education, *Orange County Register*, *Washington Times*, and *Education Next*.

Schwalbach holds a B.A. in philosophy from Thomas Aquinas College and a M.A. in political philosophy from Hillsdale College.

He is based in Indiana.

