



700 Broadway, Suite 810 • Denver, CO 80203-3442 • 303.299.3600 • Fax: 303.296.8332 •

Open Enrollment is on the Menu—But Can You Order It?

By Marga Torrence Mikulecky

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Introduction

What is school choice?

States and school districts increasingly have provided a varied menu of education options to address concerns about achievement, equity, quality, or simply the “fit” of a child’s interests or needs. School choice options include magnet schools, tuition vouchers, charter schools, homeschooling, alternative programs, and open enrollment, among others. The goal of each of these school choice options is to provide parents and students—even communities—with additional public education choices to meet their needs and increase the quality of all schools involved.

This paper concentrates on one aspect of school choice—open enrollment—which provides students with a choice among *district* schools—not charters or private institutions. Open enrollment can offer students a choice of schools within district boundaries (intradistrict choice) or can be expanded to schools outside the boundaries of the district (interdistrict). State policy determines whether schools and districts may choose to participate or whether they are required to do so.

Open enrollment

What does it look like, why is it an option, and why do states and districts offer it?

Open enrollment is not a one-size-fits-all policy. It may be voluntary or mandatory at the state or district level, and it may allow for intradistrict or interdistrict transfer.

A voluntary open enrollment policy allows individual schools or districts to decide whether they will accept students who live outside their boundaries. A mandatory policy requires all districts to provide the option to transfer and to accept student requests for transfer, although such a policy can be restricted statutorily by opt-out provisions, priorities for allowing transfer, or desegregation provisions. Under an intradistrict policy, students can request admission to a school outside their assigned attendance zone within the district, while under an interdistrict policy, students are able to apply to schools across district boundaries as well.

History

When did open enrollment become an option?

The nation's first interdistrict open-enrollment policy requiring schools and districts to allow and accept student transfers across district boundaries was passed into law by the Minnesota Legislature in 1988. Minnesota was followed in 1989 by Arkansas, Iowa, Nebraska, and Ohio, and in 1990 by Idaho, Utah, and Washington. A number of states adopted limited pilot programs during that time to test the concept and the role open enrollment might play in providing options for families. Today, 21 states authorize student choice of schools outside their home district (mandatory interdistrict open enrollment) and 22 allow students to attend a school anywhere within their neighborhood district (mandatory intradistrict open enrollment), with a majority of those states offering both options (see maps, pages 6-7).¹

In 2002, the No Child Left Behind Act (NCLB) accelerated open-enrollment options by requiring states (unless prohibited by state law) to allow students the option of transferring to a higher-performing school willing to accept new students within the district if their home school failed to make Adequate Yearly Progress for two consecutive years.² Despite the good intentions of NCLB and because of some very real barriers to transfer (e.g., lack of knowledge about availability of this option, frequent lack of higher performing schools in the district, school resistance to accepting students from low-performing schools, transportation difficulties, etc.) only a small fraction of students have been able to take advantage of this opportunity.

Why did open enrollment become an option?

Higher-income students generally have more education options because their families have the means to purchase homes in neighborhoods with good schools, to enroll in a private school, or they possess the social capital to navigate the various options offered. This fact is exemplified in survey results that found that in 2007, parents of 27% of public school students reported moving to their current neighborhood so that their child could attend his or her current school.³ In the absence of an open enrollment policy, choosing to attend a public or private school instead of the student's assigned public school typically involves applications, tuition (for private), transportation to and from the school, and, in some cases, requirements of parents to volunteer or actively participate in the school. Students from single-parent families and/or lower-income families often find this requirement difficult or impossible to overcome. Through open enrollment policies, at least some of these barriers to transfer are eliminated or reduced. One of the major benefits of open enrollment is that it provides low-income parents with options that they wouldn't otherwise have been able to access. This policy option keeps students in public schools that operate under district and locally elected board control while providing additional public education options that can serve to increase student achievement and success.

Accepting and denying students: Is the devil in the details?

Because open enrollment keeps public school funding in district schools, it can be viewed as a school choice option that is less politically charged than vouchers or charter schools but that can spur competition among schools and districts, encourage them to adopt reforms and innovative educational methods, or to simply become more "customer service" oriented.

While open-enrollment programs vary across states, they possess certain key common elements:

- State and local funding normally follows the student

- Most provide a “space available” opt-out provision for districts and schools
- They ensure that transfers cannot supersede a court-ordered desegregation program
- Districts are often allowed to create a hierarchy of preferences to admit students (e.g., siblings, children of in-district teachers, etc.). States generally prohibit districts from selectively accepting or denying students on bases such as achievement, extracurricular or athletic ability, disabilities, and/or English-language proficiency.⁴

One “catch” is related to whether students truly have access to schools of choice or whether schools can relatively easily refuse enrollment—even without breaking any “selectivity” rules. Many states provide districts with the opportunity to opt out of mandatory programs or to set priorities for the students they will allow to transfer into their schools. These policies are often the real gatekeepers to whether students can indeed avail themselves of a stated open-enrollment program. Some point to these enrollment priorities or preferences as providing districts the ability to “cream” the brightest and best applicants despite the rules in place to prevent such selectivity.

Arguments for and against open enrollment

Proponents of open-enrollment policies typically assert that open enrollment:

- **Increases competition, accountability, and incentives for schools to improve** and adopt innovative methods to improve student achievement. Schools whose students have a choice of other institutions might be more cognizant of meeting student and family needs.
- **Levels the playing field** among students of all socio-economic levels by providing low-income and/or minority student’s access to a high-quality education, additional programming, or different peer groups. Students from families without the financial means to move to a higher-achieving district or school zone still can have the same opportunity for a quality education as those that can afford to live in higher-achieving districts.
- **Improves student and parent satisfaction** by finding a school “niche” that fits the student. This can create customer satisfaction and loyalty similar to that given to automobile brands and other business models.

Critics argue that open enrollment:

- **Disproportionally affects low-income schools, further segregating them economically and racially** because the ambitious or talented students will transfer, exacerbating the issues of low performance in the schools they leave.
- **Affects neighborhood schools financially if enough students transfer out.**⁵ When low-achieving districts and schools lose the per-pupil operating revenue that follows transferring students, it becomes increasingly difficult to improve with less funding in the annual budget.
- **“Creams the best students.”** If the most involved parents select out of lower-achieving schools, the chasm of quality widens. Anecdotal evidence supports the argument that those actually using open enrollment are students from high-achieving districts transferring to even higher-achieving districts. In essence they are not students from the direst situations but students from middle and upper-middle class families who can’t quite afford to live in the highest-achieving districts.⁶

Who participates in open enrollment and why?

There is a lack of definitive research that gives a macro view of student use of open enrollment across the nation. However, we do have numbers from several individual states that address flow and enrollment patterns. One study analyzed 2006-07 interdistrict transfer patterns in the Denver metropolitan area and concluded that relatively wealthy students were most likely to take advantage of the transfer options.⁷ The students generally transferred from less-advantaged socioeconomic districts to more advantaged ones. A further study of both Colorado and Minnesota showed that students left high-pupil spending districts at lower rates than low-spending districts.⁸ The report showed that while structural characteristics, test scores, and socioeconomic and demographic considerations played a part in the decision to exercise a choice option, high student achievement at the receiving district was the biggest factor for students deciding if and where to transfer.⁹

What does the research say? Are open enrollment policies working?

The efficacy of the open-enrollment policies is difficult to ascertain, particularly if it is voluntary and only a limited number of districts or schools choose to take part. According to the Condition of Education (2009), 24.5% of parents reported having the opportunity to send a child to a chosen public school. Also, the percentage of children attending a “chosen” public school other than their assigned public school increased from 11% to 16% from 1993 to 2007.¹⁰

A review of studies of individual districts and states provides a picture of what has been learned after 20-plus years. Such studies show some increased persistence to a high school degree, decreased dropout rates, and parents and students who are happier with their educational choice.¹¹ A working paper published by the National Bureau of Economic Research (NBER), for instance, found that among applicants with low-quality neighborhood schools, public school choice lottery winners were more likely than losers to graduate from high school, attend a four-year college, and earn a bachelor’s degree.¹² More difficult to document is an increase in the direct impact of open enrollment (rather than the overall effects of

Minnesota’s Twin Cities’ experience: Findings of segregation from the nation’s first state to pass mandatory open enrollment laws.

The Institute on Metropolitan Opportunity at the University of Minnesota’s law school recently published a study examining open enrollment’s effects on racial and economic segregation between 2000-10 across 69 school districts in and around the Twin Cities metropolitan area. The findings include a concern that while there were many instances of diverse students moving between districts, overall the implementation of open enrollment increased segregation in the region.

In some diverse inner- and middle-suburban districts, open enrollment has caused a substantial number of students to transfer out, and in a few cases has exacerbated a very rapid racial and economic transition. The remaining students are more racially diverse, while there is a white flight of sorts to more predominantly white districts. “The overall effect of these massive flows was to increase racial differences between the cities, their neighbors and the rest of the region. Students open enrolling out of the three districts were much more likely to be white than those remaining behind, and virtually all were enrolling in districts with white shares substantially greater than the district they left.” (Institute on Metropolitan Opportunity, University of Minnesota Law School, “*Open Enrollment and Racial Segregation in the Twin Cities: 2000-2010*,” December 2012.)

competition via all choice options more generally) on student achievement documented via standardized tests or other academic measures. Research from the National Center for the Study of Privatization in Education, for instance, finds that competition more broadly defined than open enrollment “may improve outcomes by raising test scores” but also notes that while the “effect will not be dramatic,” it will “be in a positive direction.”

Likewise, it is difficult to quantify the lasting effect on schools and districts if a significant number of students transfer out. Some fiscal implications, however, can be quantified—at least to a point. For example, in 2009 the Minneapolis Public Schools chief financial officer (CFO) noted that the district had 32,000 students and lost 12,000 to open enrollment and charter schools. At \$13,000 per student in funding, the school district claims it forfeited \$154 million of a \$500 million annual operating budget.¹³

Also, where a goal for open enrollment might be to improve racial or socioeconomic integration, some evidence (as cited earlier in this paper) suggests that has not been the case.¹⁴ In fact, the opposite is true. Many of the studies found that white students generally leave lower-performing districts to transfer to higher-performing districts that generally have fewer students on free and reduced lunch programs and less racial diversity. This finding should be food for thought when crafting policy that might target low-income or minority students for admission priority under open-enrollment laws.

What barriers prevent students from taking advantage of open enrollment?

Space-available policy provisions

Potential constraints to student access include “space-available” policy provisions that can prevent students from transferring to better schools even when the letter of the law states they have a right to transfer. For instance, when maximum class sizes or school capacity have not been clearly determined, a local decision-maker could turn down an application for transfer by simply responding that classes are full or that the school is “at capacity.” Or, at the secondary school level, where students are assigned to multiple teachers, that decision-maker could insist that since one of the five 9th-grade classes was at capacity, there was no space available for an incoming 9th grader. In a worst-case scenario, a school might blithely refuse admission to students attempting to transfer from high-poverty or low-performing schools without ever being required to provide a reason other than “full.”

Transportation

What has increasingly come to light is that transportation poses a huge barrier to transfer for lower-income students. One study draws a significant correlation and concludes that the lower the income of the student’s family, the more likely they are to identify transportation as a barrier to exercising school choice options.¹⁵ Another concludes that distance plays a significant role in the interdistrict transfer process—the farther the distance a student has to travel, the less likely he or she will.¹⁶

The relationship between taking advantage of choice and transportation is impacted by the geographic location of the student. Urban areas have richer public transportation options, whereas sprawling cities or suburban communities and rural areas have more limited public transportation and frequently longer travel times. In a study of open enrollment in Washington, D.C., a more dense urban area, and Denver, Colorado, a sprawling city of a similar size, 25% to 40% of families surveyed said transportation influenced their school choice decision, and a quarter to a third would have chosen a different school had the transportation

options been better.¹⁷ While open enrollment does strive to provide an equal playing field for students if offered, the lack of good transportation options limits many lower-income families from stepping onto the field in the first place.

Volume of Transfers Due to School Closures

The most recent constraint to participation is evolving as an increasing number of schools are closed or restructured due to low performance. Where do those students go? What choices do they have if surrounding schools are or claim to be at capacity and there is no space available?

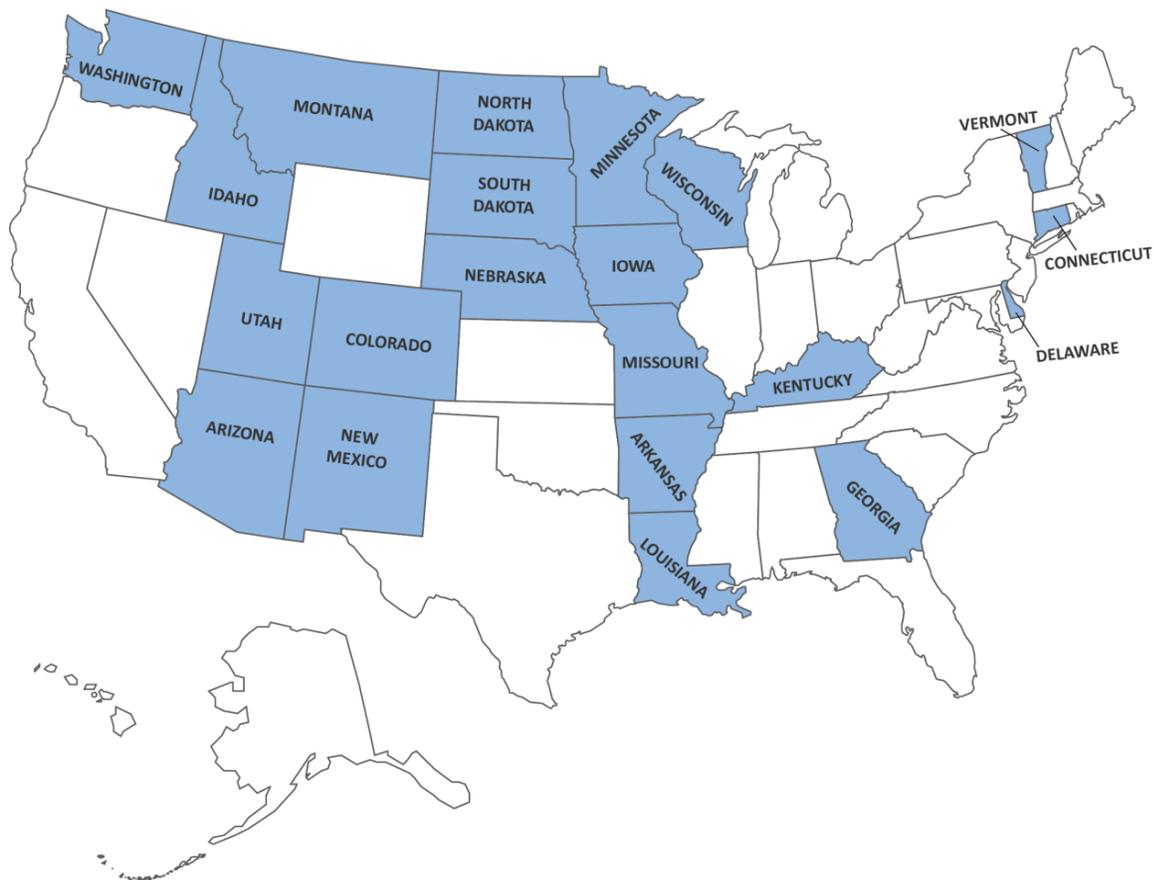
Where is open enrollment “on the menu”?

States increasingly are offering school choice options, particularly open enrollment. From one state in 1988 to 21 in 2013, requiring schools to accept transfers has grown as a policy option but has not necessarily reached the same critical mass as charter school laws. A greater number of states offer voluntary options, yet voluntary participation limits the scope and potential of open enrollment. But school choice in general remains of interest to governors. Between 2012-13, governors from the states of Mississippi, New Jersey, Arizona, Florida, and Louisiana mentioned school choice and/or open enrollment in their State of the State addresses. With a majority of states offering some form of choice—open enrollment, vouchers, magnet schools, etc.—the concept clearly is growing, and states should seek to refine their programs to incur the maximum benefits for both the schools and the students they wish to serve.

Where are districts required to allow students to cross boundaries to attend school?

Interdistrict Mandatory Open Enrollment

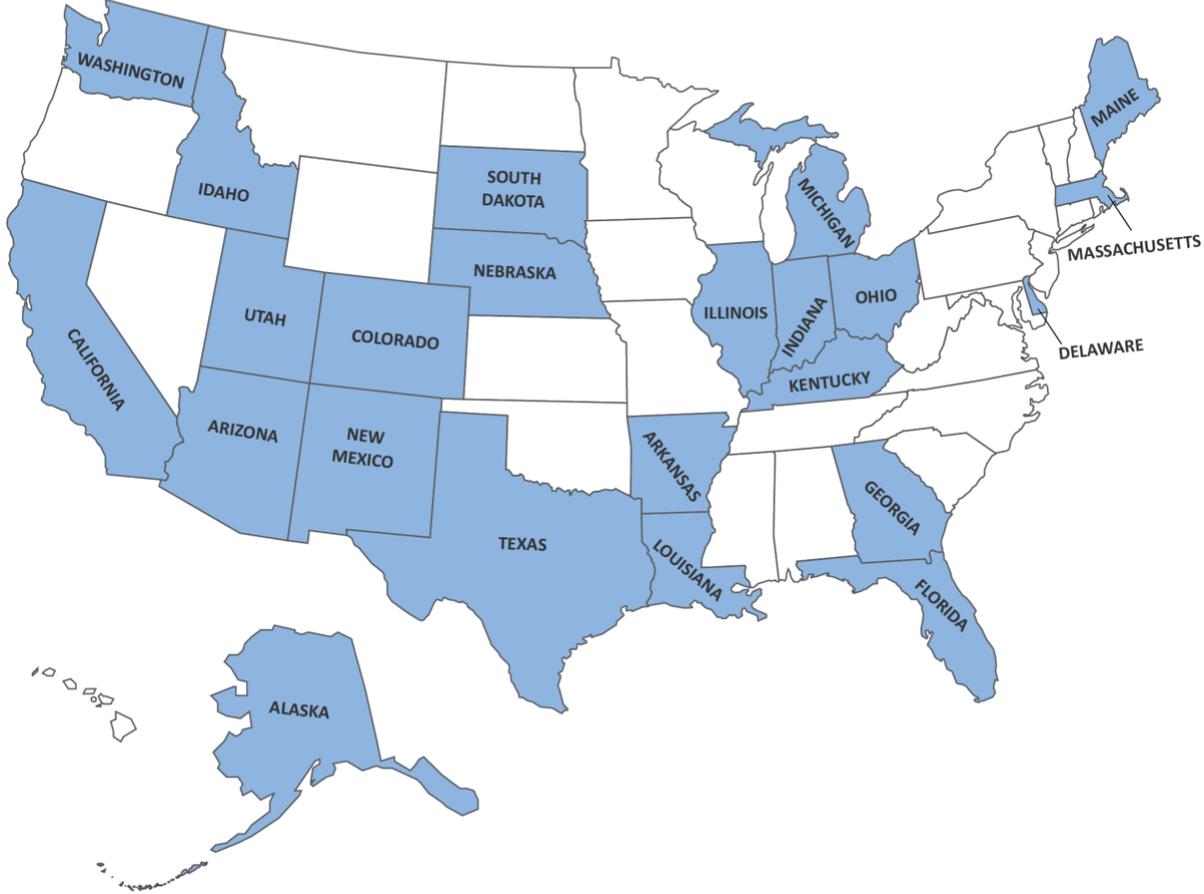
(includes those states that limit transfer to low-performing schools and who have very limited statutorily outlined provisions)



Where are schools required to allow students from within their district to transfer to another in-district school?

Intradistrict Mandatory Open Enrollment

(includes low performing schools and limited statutorily outlined provisions).



Where open enrollment is on the menu, can families really order it?

Emerging issues and recommendations

<p>“Space available” right of refusal:</p> <p>Are opt-out provisions severely limiting participation?</p>	<p>Opt-out provisions allow for schools to decline admission to students based on available space, and all states have such provisions in place. A few state policies specify “permanent classroom space.” The latter approach allows schools to look ahead to projected class sizes and take estimates into consideration. The issue for policymakers to consider is: what constitutes “full?” Rarely, if at all, is “space available” defined as part of open enrollment laws.</p> <p>Policy should clarify that requests must be accepted if classrooms would remain within the maximum class sizes established by state law. In states where class-size maximums are not established, policy should determine some other reasonable threshold for administrators to use when making student transfer decisions.</p>
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<p><i>Transportation:</i></p> <p>How can districts and states help students get to better schools?</p>	<p>Particularly for low-income families, transportation is the key to whether families really have a choice of schools. Many states pay for transportation for low-income students while some require low-performing schools to pay for transportation to the receiving district. Almost all states that address transportation allow students to use established bus routes but are responsible for their own transport to an established bus stop.</p> <p>States should examine ways to provide cost-effective, efficient, and realistic transportation options, particularly for low-income families or students leaving low-performing schools.</p>
<p><i>Information:</i></p> <p>How can districts and states get the information needed about open-enrollment options and transportation in the right hands?</p>	<p>Many lower-income or minority families are not aware that the option of transferring schools is available or how to navigate the application process and transportation requirements. There is little evidence that parents more generally are being notified that they are eligible to open enroll students elsewhere.</p> <p>States should publicize the availability of open enrollment options or require districts to do so—including which districts and/or schools are available for transfer for the next school year—and make the application procedures more transparent. Any dissemination of such information should make use of broadly used technologies and be easily understandable by all.</p>
<p><i>Report Cards:</i></p> <p>How can parents access information about school performance to inform their transfer choices?</p>	<p>An increasing number of states are assigning grades to schools based on performance, and grades are commonly understood descriptors of quality. Even then, many parents don't know where to go to access these reports or what information is used in determining the grades on the report cards.</p> <p>States can promote public awareness of school and district reports and ensure that such reports are user-friendly and provide information of value to families. They also can promote the various options for parents to access online school report cards: those produced by nonprofit providers as well as the state- and federally required school and district report cards.</p>
<p><i>Incentives:</i></p> <p>What do schools and districts need to really open the doors? What role does accountability play?</p>	<p>Use of incentives requires further exploration as state policies show little evidence of having considered this option.</p> <p>Policy can provide carrots rather than sticks in this arena. For instance, schools are not eager to accept students from low-performing schools when those students' performance might put the school's performance at risk. States could consider such incentives as a time-limited (1-2 year) "hold-harmless" provision for the performance of incoming students under the state accountability system. Fiscal incentives such as weighting the funding amount of transferring students based on need could be instituted. For cases where larger numbers of students are transferring out of low-performing schools, additional "density of transfer" incentives might lessen district or school fears that they are not equipped to meet the breadth and depth of incoming student needs .</p>

<p>Impact of school closings:</p> <p>With more states and districts closing the lowest-performing schools, what options are available to those students?</p>	<p>Students leaving low-performing schools in low-performing districts typically have few options available to them—yet under state and federal accountability systems, the number of schools closed or restructured for performance will continue to increase.</p> <p>The use of incentives or other means to encourage higher-performing districts and schools to accept growing—and significantly large—numbers of these students should be a priority for policymakers across the states. School closings are a problem in search of a solution, and open enrollment could be an important part of such a solution.</p>
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Conclusion

The next-generation issues regarding open enrollment are tied closely to alleviating the barriers students must overcome to take advantage of choice opportunities. States need to address issues such as transportation, informing or educating parents about options available to them, and accountability systems that unintentionally discourage schools from admitting students who want to transfer out of low-performing or closed schools. Just passing a law enabling or requiring open enrollment is not enough.

After 25 years of open-enrollment programs, many states are examining whether the programs actually do meet their goals of (1) providing educational options, (2) addressing the plight of students stuck in low-performing schools, and (3) generally increasing the achievement of all schools while increasing socio-economic and racial integration. A deeper examination of the policy usage and results of the past 10-20 years could inform the emerging issues states are dealing with at this point and into the future. Then, states will truly be able to say that open enrollment is on the menu and everyone has the opportunity to attend their choice of schools.

State Policies for Open Enrollment Database

This searchable database contains information about the state policies for open enrollment in each state. It includes individual state profiles, allows comparison of state policies across selected states and provides 50-state reports.

http://www.ecs.org/html/educationissues/OpenEnrollment/OEDB_intro.asp

Education Commission of the States 2013

Marga Torrence Mikulecky returned to ECS part-time to provide research and work on selected projects for the Information Clearinghouse. While at ECS from 2001-05, she served as a policy analyst and project manager for postsecondary issues and as a project director for the Community College Policy Center. She can be reached at mmikulecky@ecs.org.

¹ Interdistrict mandatory open enrollment states include – AZ, AR, CO, CT, DE, GA, ID, IA, KY, LA, MN, MO, MT, NE, NM, ND, SD, UT, VT, WA, WI. Intradistrict mandatory open enrollment states include – AK, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, KY, LA, ME, MS, MI, NE, NM, SD, TX, UT, WA. (ADD CITE FOR DATABASE WHEN LIVE).

² ECS Report to the Nation, State of Implementation of NCLB, 2004)

³ U.S. Department of Education, National Center for Education Statistics (2009), *The Condition of Education 2009* (NCES 2009-081), Table A-32-1.

⁴ Deven Carlson, Lesley Lavery, and John F. Witte, “The Determinants of Interdistrict Open Enrollment Flows: Evidence from Two States,” *Educational Evaluation and Policy Analysis* 33:76 (2011),. <http://eeпа.аera.net>.

⁵ Adam Herrmann, Nathan Burroughs, and Jonathan Plucker, “Open Enrollment in K-12 Public Education,” *Center for Evaluation and Education Policy*, Education Policy Brief Volume 7, Number 3, Summer 2009.

⁶ Carlson et. al., *Educational Evaluation and Policy Analysis* 33:76 (2011).

⁷ J.J.Holme and M.P.Richards, . School Choice and Stratification in a Regional Context: Examining the Role of Interdistrict Choice,” *Peabody Journal of Education*, 84, 150-171 (2009).

⁸ Carlson et. al. , *Educational Evaluation and Policy Analysis* 33:76 (2011).

⁹ Ibid.

¹⁰ U.S. Department of Education, National Center for Education Statistics, *The Condition of Education 2009* (NCES 2009–081), Indicator 32, 2009.

¹¹ According to the 2007 NHES, 65% of parents who sent their children to public schools of their choice considered themselves “very satisfied” with the school their child attended. (A.M.Herrmann, N. Burroughs, and J.A. Plucker, *Open Enrollment in K-12 Public Education*, Volume 7, Number 3, 2009). See also Hermann, Burroughs, Plucker, *Open Enrollment in K-12 Public Education*.

¹² David J. Deming, Justine S. Hastings, Thomas J. Kane, Douglas O. Staiger, *School Choice, School Quality and Postsecondary Attainment*, NBER Working Paper Series, National Bureau of Economic Research, September 2011.

¹³ Norman Draper and Emily Johns, “Big School Districts Lose Big as Students Leave,” *Star Tribune*, 30, November 2009.

¹⁴ R.A. Michelson, R.A. Bottia, and S. Southworth, , *School Choice and Segregation by Race, Class, and Achievement*,” (Boulder, CO: Education and the Public Interest Center and Education Policy Research Center, 2009).

¹⁵ Paul Teske, Jody Fitzpatrick, and Tracy O’Brien, “Drivers of Choice, Parents, Transportation and School Choice,” *Center on Reinventing Public Education* (University of Washington, Bothell, July, 2009).

¹⁶ Carlson et. al., *Educational Evaluation and Policy Analysis* 33:76, 2011.

¹⁷ Ibid.

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