

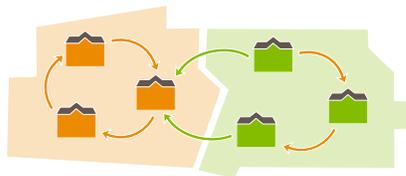
What Is the Issue and Why Does It Matter?

MICAH ANN WIXOM

Open enrollment is a form of school choice allowing students to select and transfer to a school of their choice, rather than attending a school based on where they live. Students may be allowed to transfer to another school within their resident school district (intradistrict) or to a school in another district (interdistrict). Some state leaders look to open enrollment as an option to expand school choice options within the public sector.

INTRADISTRICT

33 states plus the District of Columbia have policies that allow students to select and attend another school *within* their resident district.



INTERDISTRICT

43 states have policies that allow students to select and attend another school *outside* their resident district.

School districts have long engaged in transfer agreements with each other for reasons of practicality and convenience. States started extending student transfers — both intradistrict and interdistrict — as a form of school choice in the past few decades.

The specifics of these policies vary across states. They can allow for voluntary or mandatory participation at the district level; and they can allow for intradistrict transfer, interdistrict transfer or both.

- **Voluntary open enrollment:** School districts may enter into transfer agreements with other school districts at their discretion.
- **Mandatory open enrollment:** All schools or districts must accept transfer students, although mandatory policies may be subject to restrictions.
- **Voluntary and mandatory open enrollment:** State policies require school districts to participate in open enrollment policies in some circumstances — low-performing districts or in defined regions of the state, for example — with voluntary open enrollment policies for districts in the rest of the state.

While policies vary across states, they possess key common elements:

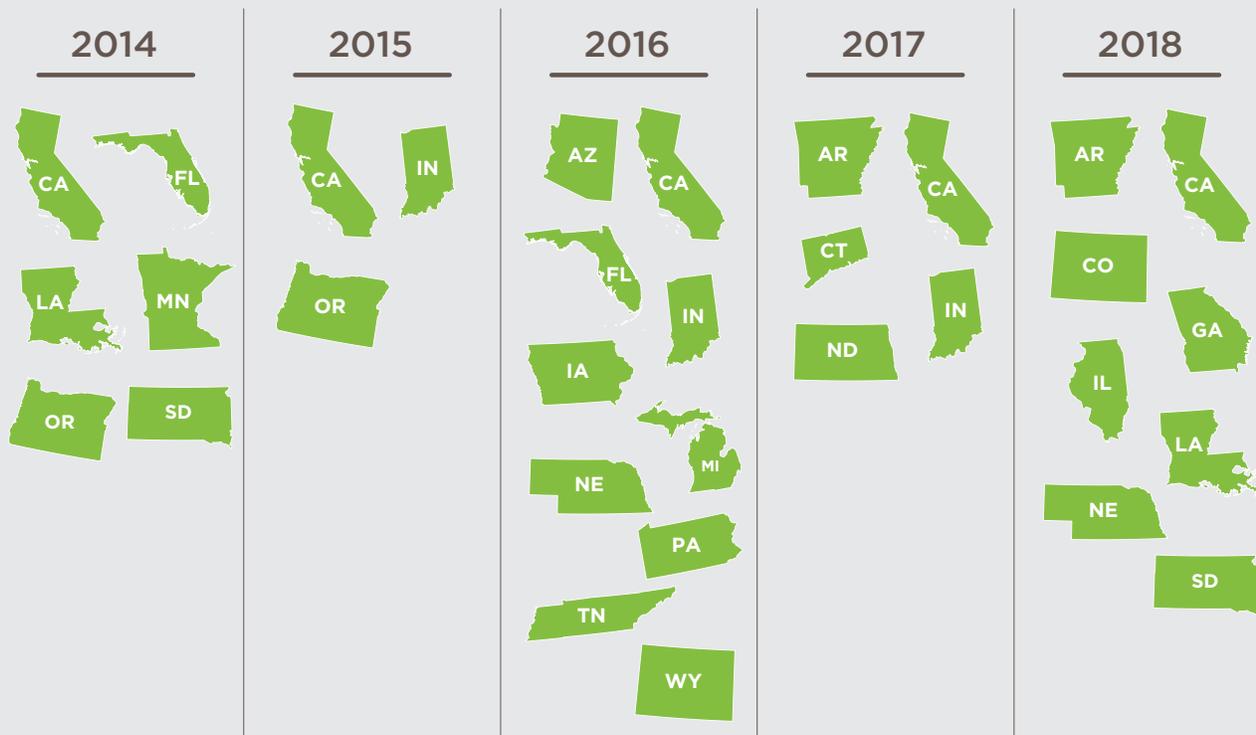
- State funding typically follows the student, although only some portion of the local funding may follow the student depending on state and local context.
- Most provide a space-available, opt-out provision for districts and schools.
- Most ensure that transfers cannot supersede a court-ordered desegregation program.
- States often allow — or require — districts to create enrollment priorities for open enrollment transfer students, such as siblings of currently enrolled students or students transferring from low-performing schools.
- States generally prohibit districts from selectively accepting or denying students based on achievement, extracurricular or athletic ability, disabilities or English-language proficiency.

How Many States Enacted Legislation in 2014-18?

Based on a review of legislative activity, legislatures in at least 20 states enacted at least 35 bills related to open enrollment. Three other bills passed the legislature, but were vetoed by the governor.

- **2014:** Legislatures enacted six bills in six states.
- **2015:** Legislatures enacted four bills in three states.
- **2016:** Legislatures enacted 10 bills in 10 states; one bill vetoed.
- **2017:** Legislatures enacted seven bills in five states.
- **2018:** Legislatures enacted eight bills in eight states; two bills vetoed in two states.

Which States Enacted Legislation in 2014-18?



Examples of Recently Enacted Legislation

A few of the bills enacted over the five-year period made substantial changes to states' open enrollment policies, but many made relatively minor changes to update or refine statutes governing existing policies. Common changes were in the following areas:

- **Program operation.** Provisions that governed how programs operate, like requirements for school districts, district operations and district transfer agreements.
- **Student participation and enrollment priorities.** Provisions about the processes for enrolling in open enrollment programs and any state-mandated priority enrollment requirements for certain student groups.
- **Transportation.** Provisions about who is responsible for transporting students to and from their school of choice.
- **Notification.** Provisions governing what districts must do to notify parents about the district's open enrollment policies and space available.

Arkansas: [S.B. 372](#) (2017) requires all districts to comply with open enrollment provisions unless they receive an exemption from the department of education after providing proof of active desegregation plans or orders.

Colorado: [H.B. 18-1306](#) (2018) allows school districts to provide transportation to students living in other districts without first receiving permission from the students' resident districts.

Florida: [H.B. 7029](#) (2016) makes both intradistrict and interdistrict open enrollment mandatory rather than voluntary. The legislation also addresses enrollment priorities and establishes a list of student groups that districts must prioritize when accepting open enrollment transfers, such as children of active-duty military personnel, children in foster care and students living in the school district boundaries.

Louisiana: [H.B. 670](#) (2018) requires school districts to post their open enrollment transfer policy on the district's websites. [S.B. 61](#) (2014) broadens the state's open enrollment policies by allowing students previously enrolled in or zoned to attend a low-performing school to enroll in a school with a higher performance rating.

Related Resources

[50-State Comparison: Open Enrollment Policies](#)

[Open Enrollment Quick Guide](#)

[School Choice Glossary](#)

[Open Enrollment: Overview and 2016 legislative update](#)

AUTHOR

Micah Ann Wixom is a policy analyst at Education Commission of the States and has a master's degree in public administration. When's she is not knee-deep in school choice policies, she enjoys experimenting with new recipes and spending time in Colorado's great outdoors. Contact Micah at mwixom@ecs.org or **303.299.3673**.

About Education Commission of the States Legislative Tracking

Education Commission of the States tracks legislation on education issues from early learning through postsecondary and workforce. The team follows the bill's status from introduction through its final action, summarizes key provisions and assigns topics. The policy tracking helps keep an eye on trends, innovative policy approaches and the overall landscape of education-focused activity. This information is leveraged for several purposes, including Policy Snapshots that offer a brief background on a topic, a visual take on recent bills and summaries of selected state legislation.