

Open Enrollment Policies

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Updated: March 2025

SUMMARY

Open enrollment is a form of school choice that gives families and students the option to attend a public school other than the one that serves the neighborhood in which they live. Open enrollment can permit students to attend a different public school within their assigned district, called intra-district open enrollment, or to attend a school outside of their district, known as inter-district open enrollment.

As detailed in NCSL’s [Open Enrollment: State Policy Trends](#) brief, common considerations in open enrollment policies include transportation and school capacity. Other key policy provisions include school district discretion, application timelines, tuition and funding, public reporting and awareness, and appeals processes for denied applications.

Table 1 details recently proposed legislation regarding open enrollment, and table 2 provides examples of different open enrollment statutes.

TABLE 1: RECENTLY PROPOSED LEGISLATION RELATED TO OPEN ENROLLMENT

YEAR	STATE	BILL	SUMMARY	STATUS
2025	Arkansas	AR SB 205	Amends the Arkansas Opportunity Public School Choice Act and the Public School Choice Act; clarifies that a student may transfer between schools within the student's resident district under the Arkansas Opportunity Public School Choice Act and the Public School Choice Act.	Pending
2025	Iowa	IA HB 407	Provides that for school years beginning on or after July 1, 2025, for each pupil participating in open enrollment, the board of directors of the district of residence must pay to the receiving district from the total amount received from the secure an advanced vision for education (SAVE) fund, an amount equal to the per pupil amount distributed to the district of residence from the SAVE fund for the previous school year.	Pending

YEAR	STATE	BILL	SUMMARY	STATUS
2025	Iowa	IA SB 332	Modified existing provisions to allow a receiving district to send school vehicles into the district of residence of the student who open enrolls for transportation purposes without any restrictions related to mileage.	Pending
2025	Maryland	MD SB 819	Authorizes a county board of education to adopt an open enrollment policy to authorize certain students to attend, free of charge, a public school in a county other than the county where the student is domiciled with the student's parent or guardian, subject to certain requirements; requires county boards to include certain students in full-time equivalent enrollment counts; directs certain funding to the county in which certain students are enrolled in a public school under an open enrollment policy.	Pending
2025	Mississippi	MS HB 1435	Removes the requirement for the school board of the school district of a child's residence consent to the release of the student for transfer to another school district; requires that the transferee school board approve or refuse the transfer of a student upon receiving notice and official meeting of the Board to act on such transfer; authorizes the siblings of a lawfully transferred student to enroll in the transferee school district at the discretion of their parent or legal guardian.	Failed
2025	Missouri	MO HB 711	Establishes the Public School Open Enrollment Act to enable children to attend a school in a nonresident district, subject to certain limitations; requires development of an online resource to facilitate applications including a searchable database of the number of transfers offered in each participating school district; requires the development of a model policy for determining the number of transfers available as well as the standards for acceptance and rejection of transfer applications; provides for reporting requirements. See also 2025 MO SB 70 (pending).	Pending
2025	Missouri	MO SB 215	Amends provisions related to nonresident pupil transfers; eliminates an exception allowing charter schools to charge certain fees; requires school boards to accept all transfer students, subject to capacity limitations; updates reporting requirements.	Pending
2025	Missouri	MO SB 572	Provides that parents or guardians be given the opportunity to enroll their student in a charter school, private school, public school, or public or private virtual school; provides the staid aid that would be used to educate the student in the district of residence be remitted to the parent's school of choice; provides parents or guardians may also choose to enroll their student in a different school within the school district of residence.	Pending

YEAR	STATE	BILL	SUMMARY	STATUS
2025	Nebraska	NE LB 557	Changes provisions relating to the enrollment option program; provides the enrollment option program enables students to attend a school in the resident school district to which they are not assigned in addition to attending a school in a different district; allows applications to be submitted at any time; requires each school board adopt standards for acceptance and rejection of applications; provides standards may only include a random selection process and the interest of the student and parent or guardian and may not include certain factors including residential address, capacity measurement or any measure that would discriminate based on race, ethnicity, socioeconomic status or protected class; provides that a parent or guardian of a student whose option enrollment application is rejected be eligible to receive \$2,500 to support the student's education during the year the application was rejected.	Pending
2025	New Hampshire	NH HB 68	Requires superintendents to approve student requests for reassignment within the same school district unless the request fails to meet certain requirements; requires superintendents to provide written reasons to parents for denials of requests.	Pending
2025	New Hampshire	NH HB 709	Allows parents or guardians to admit their children into any school district where they pay any property tax or school district taxes.	Pending
2025	New Hampshire	NH HB 741	Provides a parent may apply to any school or district within the state on behalf of their student; requires each school district develop an open enrollment policy to allow students to transfer among schools within the district, from another district in the state, or from any state that has a certain interstate compact with New Hampshire; requires districts determine capacity and report certain information to the state; provides that a transfer application may only be denied for certain specified reasons; includes funding provisions. See also 2025 NH SB 101 (pending).	Pending
2025	New Hampshire	NH HB 771	Changes how funding for open enrollment schools is sent and received; requires school districts to establish a line item in their operating budgets that reflects expenditures for open enrollment tuition costs.	Pending
2025	New Mexico	NM HB 464	Provides that a public school shall not deny enrollment to a school-age person on the basis of race, ethnicity, sex, religion, disability, socioeconomic status or residential address; limits a local school board's ability to establish enrollment preferences; requires local school boards to determine the capacity of each public school by grade level, post the number of vacancies at least once every twelve weeks and enroll applicants throughout the year on a first-come, first-served basis if capacity allows; requires local school boards to report annually to the public	Pending

YEAR	STATE	BILL	SUMMARY	STATUS
			education department on enrollment data for each public school and requires the department to publish that data on the department's website.	
2025	New York	NY AB 2009	Establishes interregional enrollment of students taking classes in multiple school districts; allows students who are enrolled in and taking classes in multiple school districts to receive cooperative and individualized educational services. See also 2025 NY SB 1124 (pending).	Pending
2025	Oregon	OR HB 2578	Establishes the open enrollment process for school districts to allow students with an individualized education program or a 504 Plan to attend schools in a nonresident school district with the consent of the receiving school district; requires districts to determine if they will participate in the open enrollment process and to develop standards for consent, subject to certain requirements; provides for transportation requirements.	Pending
2025	Oregon	OR HB 2672	Establishes the open enrollment process for school districts to allow students to attend schools in a nonresident school district with the consent of the receiving school district; requires districts to determine if they will participate in the open enrollment process and to develop standards for consent, subject to certain requirements; provides for transportation requirements. See also 2025 OR HB 3217 (pending).	Pending
2025	Oregon	OR SB 646	Allows a student who is a resident of this state to attend any public school of this state; requires a student to receive consent from a district school board to attend the schools of the school district if the student is a nonresident student; requires the district school board to give consent, with limited exceptions; prohibits school districts from charging tuition or entering into contracts for admission of nonresident students; removes the cap on the percentage of students from school districts who may attend certain virtual public charter schools.	Pending
2025	Rhode Island	RI SB 112	Provides parents of kindergarten through grade twelve (k-12) students in Rhode Island with an opportunity to enroll their child in an educational program of their choosing, either via open enrollment in a traditional public school in their own district or any other public school district, or by receiving a scholarship, with designated public monies to follow the student to a participating private school or private curriculum program selected by the parent.	Pending
2025	South Carolina	SC HB 3199	Provides an open enrollment option in public schools, including intra- and inter-district transfers; requires local boards develop and adopt an open enrollment policy by using a state provided template; establishes requirements of open enrollment	Pending

YEAR	STATE	BILL	SUMMARY	STATUS
			policies, including addressing public awareness and multiple application deadlines.	
2025	Texas	TX HB 2396	Provides that students may enroll at the school nearest to their residence regardless of whether the students reside in the attendance zone of that district or school; provides for application process and lottery and prioritization criteria when there is limited capacity; details situations under which a student's transfer application may be denied; establishes reporting requirements. See also 2025 TX SB 686 (pending).	Pending
2025	Vermont	VT HB 89	Allows all students to attend the school of their choice, regardless of their district of residence; requires schools accept all students who have selected that school, subject to capacity limitations; provides the school accept students on a lottery basis if the school has insufficient capacity; provides for the issuance of a school choice grant to the receiving school, to be paid from the Education Fund payment otherwise due to the student's school district of residence; requires a report with recommendations for the integration of the school choice program into Vermont's current education funding structure.	Pending
2025	Wyoming	WY SB 109	Allows children to enroll in any public school within their resident school district; provides exceptions and priority for specified students; requires reporting by school districts; requires the school district board adopt policies and procedures to allow for such enrollment; requires publication of the number of vacancies open for enrollment.	Pending

TABLE 2: EXAMPLES OF STATUTORY PROVISIONS RELATED TO OPEN ENROLLMENT

STATE	OPEN ENROLLMENT STATUTE
Arizona	<p>Ariz. Rev. Stat. § 15-816.01</p> <p>A. School district governing boards shall establish policies and shall implement an open enrollment policy without charging tuition. Tuition may be charged to nonresident pupils only if the tuition is authorized under section 15-764, subsection C, section 15-797, subsection C, section 15-823, subsection A, section 15-824, subsection A or section 15-825 or if two school districts have entered into a voluntary agreement for the payment of tuition for certain pupils. These policies shall include the information required by subsection I of this section, basic information that is needed to request enrollment and that is consistent with guidance and state and federal law regarding pupil privacy and civil rights, and information regarding the provision of transportation or resources for transportation. The policies must be easily accessible from the home page on each school's website and be available in English and in Spanish or in any other language used by a majority of the populations served by the school or school district. A school district shall update on each school's website the school's capacity and whether the school is currently accepting open enrollment students, by grade level, at least once every twelve weeks</p>

unless there are no changes to report for the individual school. If a school has any other separate capacity by specialized program, the information required pursuant to this subsection shall also be posted by specialized program. Schools shall accept pupils throughout the school year as capacity allows. Pupils who are denied access due to capacity shall be informed that they are on a wait list and of the details regarding the process prescribed in subsection E of this section. Pupils shall be selected as seats become available.

B. A school district shall enroll at any time any resident pupil who applies for enrollment to the school district pursuant to this section. A school district shall give enrollment preference to and reserve capacity for all of the following:

1. Resident pupils.
2. Pupils returning to the school from the prior year.
3. Siblings of pupils already enrolled.

C. A school district may give enrollment preference to children who:

1. Are in foster care.
2. Meet the definition of unaccompanied youth prescribed in the McKinney-Vento homeless assistance act (P.L. 100-77; 101 Stat. 482; 42 United States Code section 11434a).
3. Attend a school that is closing.
4. Are children of a member of the armed forces of the United States who either is on active duty or was killed in the line of duty.

D. A school district may give enrollment preference to and reserve capacity for all of the following:

1. Pupils who are children of persons who are employed by or at a school in the school district.
2. Resident transfer pupils and their siblings.
3. Pupils who meet additional criteria established and published by the school district governing board pursuant to subsection A of this section.

E. If remaining capacity at a school, as determined by the school district governing board, is insufficient to enroll all pupils who submit a timely request, the school or school district shall select pupils through an equitable selection process such as a lottery, except that preference shall be given to the siblings of a pupil selected through an equitable selection process such as a lottery.

F. Except as provided in subsections A through E of this section, a school that is operated by a school district may not limit admission based on any of the following:

1. Ethnicity or race.
2. National origin.
3. Sex.
4. Income level.
5. Disability.
6. Proficiency in the English language.
7. Athletic ability.

G. The governing board of the district educating the pupil may provide transportation limited to not more than thirty miles each way to and from the school of attendance or to and from a pickup point on a regular transportation route or for the total miles traveled each day to an adjacent district for eligible nonresident pupils who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) for free or reduced-price lunches.

H. The governing board of the district educating the pupil shall provide transportation limited to not more than thirty miles each way to and from the school of attendance or to and from a pickup point on a regular transportation route or for the total miles traveled each day to an adjacent district for nonresident pupils with disabilities whose individualized education program specifies that transportation is necessary to fulfill the program.

I. The state board of education shall adopt a model format that school districts may use for describing open enrollment options to ensure clarity and consistency for parents in understanding their enrollment options as described in this section and enrollment capacity at each school, including the ability to choose any school within the school district of residence or any other school district in this state. The state board of education shall adopt rules, policies and guidance consistent with state and federal law for school districts to use while enrolling students pursuant to this article. Pursuant to the supervisory duties of the superintendent of public instruction, the department of education shall investigate and enforce any complaints that the department receives or substantiated claims of unlawful or inappropriate enrollment practices by school districts pursuant to state and federal law and shall refer any complaints received regarding charter schools to the state board for charter schools to investigate and enforce. The department of education shall regularly update the state board of education on its investigations pursuant to this subsection.

J. The department of education shall provide an annual report that informs the public and policymakers of 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. By fiscal year 2022-2023, this participation report shall also include the number of pupils enrolled in charter schools and the school districts from which those pupils are enrolling.

K. Subject to the availability of appropriated monies, each January the state board of education shall design a public awareness effort to distribute materials that do all of the following:

1. Communicate to the public the ability to choose any public school in this state.
2. Direct the public to resources to learn about school choice options in this state.
3. Instruct the public how to request enrollment for pupils.

L. The state board of education may include other options in its informational materials and messaging developed under subsection K of this section.

M. In designing the public awareness effort and distributing materials under subsection K of this section, the state board of education may collaborate with both:

1. Public and private partners to assist the state board in achieving the objectives prescribed in subsection K of this section.
2. The department of education in providing parents and the public with informational resources.

Colorado

Colo. Rev. Stat. § 22-36-101

(1) Except as otherwise provided in subsection (3) of this section, every school district, as defined in section 22-30-103 (13), shall allow:

(a) Its resident pupils who apply pursuant to the procedures established pursuant to subsection (2) of this section to enroll in particular programs or schools within such school district; and

(b) Commencing with the 1994-95 school year and thereafter, nonresident pupils from other school districts within the state who apply pursuant to the procedures established pursuant to subsection (2) of this section to enroll in particular programs or schools within such school district without requiring the nonresident pupils to pay tuition.

(2)(a) Every school district shall adopt such policies and procedures as are reasonable and necessary to implement the provisions of subsection (1) of this section, including, but not limited to, timelines for application to and acceptance in any program or school that may provide for enrollment of the student on or before the pupil enrollment count day, and, while adopting policies and procedures, the school district shall consider adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends a public school that is required to implement a turnaround plan pursuant to section 22-11-406 or that is subject to restructuring pursuant to section 22-11-210 shall have priority over any other applicant for enrollment purposes. If a school district permits a student whose parent or guardian is a resident of the state but not a resident of the district to attend school in the district, the school district shall not require the parent, guardian, or student to pay tuition to attend school in the district, regardless of when during the school year, or under what circumstances, the student enrolls in or attends school in the district.

(b) In implementing the provisions of subsection (1) of this section, no school district shall be required to:

(I) Make alterations in the structure of a requested school or to make alterations to the arrangement or function of rooms within a requested school;

(II) Establish and offer any particular program in a school if such program is not currently offered in such school;

(III) Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance; or

(IV) Enroll any student pursuant to this section in any program or school after the pupil enrollment count day.

(c) As used in this subsection (2), unless the context otherwise requires, “pupil enrollment count day” has the same meaning as set forth in section 22-54-103 (10.5).

(3) Any school district may deny any of its resident pupils or any nonresident pupils from other school districts within the state permission to enroll in particular programs or schools within such school district only for any of the following reasons:

(a) There is a lack of space or teaching staff within a particular program or school requested, in which case, priority shall be given to resident students applying for admission to such program or school.

(b) The school requested does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of the pupil or does not offer a particular program requested.

	<p>(c) The pupil does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.</p> <p>(d) A desegregation plan is in effect for the school district, and such denial is necessary in order to enable compliance with such desegregation plan.</p> <p>(e) The student has been expelled, or is in the process of being expelled, for the reasons specified in section 22-33-106 (1)(c.5) or (1)(d) or the student may be denied permission to enroll pursuant to section 22-33-106 (3)(a), (3)(b), (3)(c), (3)(e), or (3)(f).</p> <p>(4) Repealed.</p> <p>(5)(a) Except as otherwise provided in paragraph (b) of this subsection (5), any pupil who enrolls in a school district other than the pupil's school district of residence pursuant to this article may remain enrolled in that school district's school or program through the end of the school year.</p> <p>(b) This subsection (5) shall not apply if:</p> <p>(I) The nonresident pupil is expelled pursuant to statute from the school or program described in paragraph (a) of this subsection (5);</p> <p>(II) The nonresident pupil's attendance or participation in the school or program described in paragraph (a) of this subsection (5) requires the school district to perform any of the functions described in subparagraphs (I) to (III) of paragraph (b) of subsection (2) of this section; or</p> <p>(III) The nonresident pupil is excluded from the school or program described in paragraph (a) of this subsection (5) for any of the reasons described in paragraphs (a) to (d) of subsection (3) of this section.</p>
Delaware	<p>Del. Code Ann. tit. 14, § 401 et seq.</p> <p>Del. Code Ann. tit. 14, § 401</p> <p>(a) There is hereby established an enrollment choice program within the public school system of this State.</p> <p>(b) In establishing this program, it is the goal of the General Assembly to increase access to educational opportunity for all children throughout the State regardless of where they may live. It is therefore the intent of the General Assembly that this chapter be construed broadly to maximize parental choice in obtaining access to educational opportunities for their children.</p> <p>(c) For the school year commencing July 1, 1996, and each succeeding school year, a parent residing within this State may enroll that parent's child in a public school in any reorganized school district, vocational-technical school district, or charter school in the manner provided in this chapter.</p> <p>(d) The forms prescribed and policies adopted pursuant to this chapter shall be available on the websites of the reorganized school districts, vocational-technical school districts, charter schools, and the Department of Education, and the online application.</p> <p>Del. Code Ann. tit. 14, § 403</p> <p>(a)(1) Any parent of a school age child may apply to enroll that parent's own child in a school or program in a reorganized school district, vocational-technical school district, or charter school by submitting an online application or written application, on a standard form provided by the Department of Education, to the Department of Education or to the receiving local education</p>

agency and to the district of residence on or after the first Monday in November and on or before the second Wednesday in January for enrollment during the following school year, except that a parent may apply to a receiving local education agency until the first day of the school year for enrollment in a kindergarten program during that school year. Any student not currently registered in a public school in the State of Delaware must be registered in their school of residence before submitting a Delaware standard application for education options.

(2)a. To be eligible to apply to a school or program in a receiving local education agency under paragraph (a)(1) of this section, a child must first be registered in the child's assigned public school within the district that the child would normally be enrolled based on the child's place of residence.

b. The registration required under paragraph (a)(2)a. of this section must be through the uniform registration process under Chapter 4A of this title, whether through internet-based or in person registration.

c. During the registration process under paragraph (a)(2)a. of this section, there must not be unnecessary barriers or burdens to accessing school choice opportunities.

(3) The Department of Education shall distribute applications to the appropriate receiving local education agency no later than 10 working days after the application deadlines set forth in this subsection.

(4) Receiving districts may require the submission of information beyond that contained in the standard form provided that it requires the submission of the same information by the parents of children residing in the attendance zone for the school.

(5) Notwithstanding the requirements of this subsection, charter schools, vocational-technical school districts, and magnet schools may accept applications submitted after the second Wednesday in January to fill remaining availability.

(b) If a parent of a school age child fails to file an application by the deadline established in subsection (a) of this section, and good cause exists for the failure to meet the deadline, the receiving local education agency and the district of residence shall accept and consider the application in the same manner as if the deadline had been met.

(c) The parent of a school age child may withdraw the application at any time prior to action on the application by the board of the receiving local education agency by giving written notice to the boards of the receiving local education agency and the district of residence.

(d) The parent shall indicate on the standard form the schools and programs to which the parent is applying on behalf of his or her child, as well as the parent's order of preference of the schools or programs.

Florida

Fla. Stat. Ann. § 1002.31

(1) As used in this section, "controlled open enrollment" means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational choice as a significant factor.

(2)(a) As part of a school district's or charter school's controlled open enrollment process, and in addition to the existing public school choice programs provided in s. 1002.20(6)(a), each district school board or charter school shall allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in

the district, subject to the maximum class size pursuant to s. 1003.03 and s. 1, Art. IX of the State Constitution. The school district or charter school shall accept the student, pursuant to that school district's or charter school's controlled open enrollment process, and report the student for purposes of the school district's or charter school's funding pursuant to the Florida Education Finance Program. A school district or charter school may provide transportation to students described under this section.

(b) Each school district and charter school capacity determinations for its schools, by grade level, must be updated every 12 weeks and be identified on the school district and charter school's websites. In determining the capacity of each district school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long term work programs required under s. 1013.35. Each charter school governing board shall determine capacity based upon its charter school contract. Each virtual charter school and each school district with a contract with an approved virtual instruction program provider shall determine capacity based upon the enrollment requirements established under s. 1002.45(1)(d)4.

(c) Each district school board must provide preferential treatment in its controlled open enrollment process to all of the following:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children who have been relocated due to a foster care placement in a different school zone.
3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
4. Students residing in the school district.

(d) As part of its controlled open enrollment process, a charter school may provide preferential treatment in its controlled open enrollment participation process to the enrollment limitations pursuant to s. 1002.33(10), if such special purposes are identified in the charter agreement. Each charter school shall annually post on its website the application process required to participate in controlled open enrollment, consistent with this section and s. 1002.33.

(e) Students residing in the district, including charter school students, may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process.

(f) For purposes of continuity of educational choice, a student who transfers pursuant to this section may remain at the school chosen by the parent until the student completes the highest grade level at the school.

(3) Each district school board shall adopt by rule and post on its website the process required to participate in controlled open enrollment. The process must:

- (a) Adhere to federal desegregation requirements.
- (b) Allow parents to declare school preferences, including placement of siblings within the same school.
- (c) Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- (d) Afford parents of students in multiple session schools preferred access to controlled open enrollment.

- (e) Maintain socioeconomic, demographic, and racial balance.
- (f) Require school districts to provide information on transportation options, such as:
1. The responsibility of school districts to provide transportation to another public school pursuant to ss. 1002.38 and 1002.394.
 2. The availability of funds for transportation under ss. 1002.394, 1002.395, and 1011.68.
 3. Any other transportation the school district may provide.
 4. Any transportation options available in the community.
- (g) Maintain existing academic eligibility criteria for public school choice programs pursuant to s. 1002.20(6)(a).
- (h) Identify schools that have not reached capacity, as determined by the school district.
- (i) Ensure that each district school board adopts a policy to provide preferential treatment pursuant to paragraph (2)(c).
- (j) Require school districts to maintain a wait list of students who are denied access due to capacity and notify parents when space becomes available.
- (k) Require schools to accept students throughout the school year as capacity becomes available.
- (l) Enable a student who, in middle school, completed a career and technical education course or an industry certification included in the CAPE Industry Certification Funding List to continue a sequential program of career and technical education in the same concentration, if a high school in the district offers the program.
- (4) In accordance with the reporting requirements of s. 1011.62, each district school board shall annually report the number of students exercising public school choice, by type, in accordance with rules adopted by the State Board of Education.
- (5) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03(4) is the average number of students at the school level.
- (6)(a) A school district or charter school may not delay eligibility or otherwise prevent a student participating in controlled open enrollment or a choice program from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities.
- (b) A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one of the following criteria:
1. Dependent children of active duty military personnel whose move resulted from military orders.
 2. Children who have been relocated due to a foster care placement in a different school zone.
 3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
 4. Authorized for good cause in district or charter school policy.
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Georgia	<p>Ga. Code Ann. § 20-2-2131</p> <p>(a)(1) Beginning in school year 2009-2010, the parent of a student enrolled in a public elementary or secondary school in this state may elect to enroll such student in a public school that is located within the school system in which the student resides other than the one to which the student has been assigned by the local board of education if such school has classroom space available after its assigned students have been enrolled. The parent shall assume the responsibility and cost of transportation of the student to and from the school.</p> <p>(2) No later than July 1, 2009, each local school system shall establish a universal, streamlined process available to all students to implement the transfer requirements of paragraph (1) of this subsection.</p> <p>(3) A student who transfers to another school pursuant to this subsection may, at his or her election, continue to attend such school until the student completes all grades of the school.</p> <p>(4) This subsection shall not be construed to affect any student currently attending a school other than the school to which the student has been assigned by the local board of education pursuant to a transfer authorized under the federal No Child Left Behind Act (P.L. 107-110).</p> <p>(b) The department shall establish a model universal, streamlined process to implement the transfer provisions of this Code section. Each local board of education shall adopt a universal, streamlined transfer process that includes, at a minimum, such state model. Such local process shall include a deadline for submitting transfer requests.</p> <p>(c) Each local school system shall annually notify prior to each school year the parents of each student by letter, electronic means, or by such other reasonable means in a timely manner of the options available to parents under this article, including all relevant dates and deadlines. As a part of such annual notification process, each local school system shall post in a prominent location on its website the information required pursuant to this Code section.</p> <p>(d) The local school system shall notify parents by July 1 of each year which schools have available space and to which of these schools parents may choose to request a transfer for their children.</p> <p>(e) This Code section shall not apply to charter schools; provided, however, that each local board of education shall adopt a universal, streamlined transfer process that allows for transfers pursuant to paragraph (2) of subsection (d) of Code Section 20-2-2066.</p> <p>(f) This Code section shall not apply to newly opened schools with available classroom space for a period of four years after the school opens.</p>
Idaho	<p>Idaho Code § 33-1402</p> <p>(1) Each school district shall implement an enrollment options program as provided in this section. School districts shall adopt policies to govern the process for enrollment options pursuant to this chapter, including in-district transfers. The policies shall prohibit discrimination against any pupil on the basis of his residential address, ability, disability, race, ethnicity, sex, or socioeconomic status. Such policies shall be posted to the school district's website. Schools of choice within a district that have lottery enrollment policies are not subject to the provisions of this chapter.</p> <p>(2) Whenever the parent or guardian of any Idaho pupil determines that it is in the best interest of the pupil to attend a school within another district, or to attend another school within the</p>

home district, such pupil may be transferred to and attend the selected school, subject to the provisions of this section and section 33-1404, Idaho Code.

(3) The pupil's parent or guardian must apply for admission to a school within another district, or to another school within the home district, on a form provided by the state department of education or a district-provided form that is substantially similar. The application must be submitted to the receiving school district by February 1 for enrollment during the following school year, and notice of such application must be given to the home district. At the time of application, the parent or guardian must request that the home district or school forward the pupil's student record. The home district or school shall respond by forwarding a certified copy of the transferred student's record within ten (10) days, unless the provisions of section 18-4511, Idaho Code, apply. The receiving school district, or the receiving school within the home district, shall notify the applicant within sixty (60) days and, if denied, must include written explanation of the denial.

(4) There may be times during the school year when a parent or guardian believes it is in the best interest of the pupil to transfer schools. Open enrollment applications shall be accepted at any time throughout the year. However, those applications received after the February 1 deadline will be considered based on capacity stated in policy at the receiving district.

(5) Priority for enrollment under this section shall be given to pupils applying to attend another school within the home district.

(6) A district may deny a transfer application for the following reasons:

(a) The pupil was expelled by the pupil's previous district;

(b) The pupil has a documented history of significant disciplinary issues;

(c) The pupil has a documented history of chronic absenteeism; or

(d) The receiving district does not have space available pursuant to section 33-1409, Idaho Code. Where applicable, a denial may include information about other schools that are below maximum enrollment.

(7) For a pupil accepted by the receiving school or district, the parent or guardian does not need to reapply to regain acceptance the next school year. However, the parent or guardian must provide notice to the receiving school or district of intent for the pupil to reenroll. The district may prescribe the form of notice. Once a pupil has been enrolled at the same school for a second consecutive year, the pupil may complete his education at such school, unless the pupil's approved transfer has been revoked pursuant to this section.

(8) Whenever any pupil enrolls in and attends a school outside the district within which the parent or guardian resides, the parent or guardian shall be responsible for transporting the pupil to and from the school or to an appropriate bus stop within the receiving district. For students attending another school within the home district, the parent or guardian is responsible for transporting the pupil to and from an appropriate bus stop. Tuition shall be waived for parents or guardians of any Idaho pupils allowed under the provisions of this section. Tuition charged to the debtor district may be waived by the creditor district.

(9) A pupil who applies and is accepted in a nonresident school district is subject to the policy of the receiving school district and shall be ineligible to again apply for an enrollment option or the transfer approval may be revoked in that nonresident district if:

(a) The pupil is chronically absent;

	<p>(b) The pupil commits repeated, serious disciplinary infractions;</p> <p>(c) The pupil commits disciplinary infractions that result in expulsion; or</p> <p>(d) The school in which the student is enrolled exceeds maximum enrollment of resident pupils due to growth. However, pursuant to subsection (7) of this section, the receiving district may not revoke a transfer approval to a school after two (2) consecutive years of attendance. If a transfer approval is revoked under this subsection, the receiving district must offer the pupil information about other schools within the district that are below maximum enrollment.</p> <p>(10) A receiving school shall inform the parent or guardian of the circumstances that jeopardize the student's status at a transfer school.</p> <p>(11) No district shall take any action to prohibit or prevent application by resident pupils to attend school in another school district or to attend another school within the home district.</p>
Illinois	<p>105 Ill. Comp. Stat. Ann. 5/10-21.3A</p> <p>(a) Each school board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:</p> <p>(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.</p> <p>(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria.</p> <p>(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.</p> <p>(b) Each school board shall establish and implement a policy governing the transfer of students within a school district from a persistently dangerous school to another public school in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous school, the school must meet all of the following criteria for 2 consecutive years:</p> <p>(1) Have greater than 3% of the students enrolled in the school expelled for violence-related conduct.</p> <p>(2) Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921.</p> <p>(3) Have at least 3% of the students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this Section.</p> <p>(c) A student may transfer from one public school to another public school in that district if the student is a victim of a violent crime as defined in Section 3 [725 ILCS 120/3] of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.</p>

Ohio	<p>Ohio Rev. Code Ann. § 3313.97</p> <p>Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to any joint vocational or cooperative education school district.</p> <p>(A) As used in this section:</p> <p>(1) “Parent” has the same meaning as in section 3313.64 of the Revised Code.</p> <p>(2) “Alternative school” means a school building other than the one to which a student is assigned by the district superintendent.</p> <p>(3) “IEP” has the same meaning as in section 3323.01 of the Revised Code.</p> <p>(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following:</p> <p>(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student’s application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.</p> <p>(2) The establishment of district capacity limits by grade level, school building, and education program;</p> <p>(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;</p> <p>(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.</p> <p>Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.</p> <p>(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:</p> <p>(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;</p> <p>(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student’s IEP are available;</p> <p>(3) A requirement that the student be proficient in the English language;</p> <p>(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.</p> <p>(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D)(2) of this section, a district board is not required to provide transportation to a nondisabled student enrolled in an alternative school unless such student can be picked up and dropped off at a regular school bus stop designated in accordance with the board’s transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan.</p>
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	<p>(2) A district board shall provide transportation to any student described in 20 U.S.C. 6316(b)(1)(F) to the extent required by division (D) of section 3302.04 of the Revised Code, except that no district board shall be required to provide transportation to any such student after the school in which the student was enrolled immediately prior to enrolling in the alternative school makes adequate yearly progress, as defined in section 3302.01 of the Revised Code, for two consecutive school years.</p> <p>(E) Each school board shall provide information about the policy adopted under this section and the application procedures and deadlines to the parent of each student in the district and to the general public.</p> <p>(F) The department of education and workforce shall monitor school districts to ensure compliance with this section and the districts' policies.</p>
Pennsylvania	<p>24 Pa. Stat. Ann. § 13-1313</p> <p>Where any pupil in any school district resides one and one-half miles, or more, by the public road, from the nearest public elementary school in the district, such pupil, unless proper free transportation is furnished to a suitable school in the district, may attend any public elementary school in another school district more convenient of access, on obtaining the consent of the board of school directors of such other school district, and without the consent of the board of school directors of the district where such pupil resides. The district where such pupil resides shall promptly pay, to the district where such pupil attends, the tuition charge provided for by this act. The board of school directors of any district may, on account of convenience of access, or other reasons, permit any pupils to attend the schools of another district.</p> <p>24 Pa. Stat. Ann. § 13-1316</p> <p>The board of school directors of any school district may permit any non-resident pupils to attend the public schools in its district upon such terms as it may determine, subject to the provisions of this act.</p>
South Dakota	<p>S.D. Codified Laws § 13-28-40 to S.D. Codified Laws § 13-28-47</p> <p>S.D. Codified Laws § 13-28-40</p> <p>An enrollment options program is established to enable any South Dakota kindergarten through twelfth grade student to attend any public school that serves the student's grade level in any South Dakota school district, subject to the provisions in §§ 13-28-40 to 13-28-47, inclusive. For purposes of determining state aid to education as it relates to the provisions of §§ 13-28-40 to 13-28-47, inclusive, fall enrollment as defined in § 13-13-10.1 is used to compute state aid to general education and special education fall enrollment as defined in § 13-37-35.1 is used to determine funding for special education.</p> <p>S.D. Codified Laws § 13-28-41</p> <p>A school district shall grant a request for a transfer into the district or within the district unless the transfer would result in an inability to provide a quality educational program based on criteria established by the district pursuant to § 13-28-44.</p> <p>In addition, a school district shall grant a request to admit into the district a child who is a resident of another school district and who is excused from attending school in the resident</p>

district pursuant to § 13-27-2, or is a child provided with alternative instruction pursuant to § 13-27-3, unless admitting the nonresident child would result in an inability to provide a quality educational program based on criteria established by the district pursuant to § 13-28-44.

S.D. Codified Laws § 13-28-43

A student's parent or legal guardian who wishes to enroll the student, or an emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47, inclusive, in a South Dakota school district other than the resident district or in a school within the resident district other than the school to which the student has been assigned shall apply on forms provided by the Department of Education.

The school board or the board's designee of the district in which the student desires to enroll shall approve or disapprove the application and shall notify the applicant and the resident board, if applicable, of its decision within five days of the decision. The district in which the student desires to enroll shall review the applications in the order received. However, if the applicant is a sibling of a student accepted into and currently enrolled in the district pursuant to §§ 13-28-40 to 13-28-47, inclusive, that student's application shall take priority over all other applications the district has received consistent with § 13-28-44.

Transfers to a school district other than the resident school district under the provisions of §§ 13-28-40 to 13-28-47, inclusive, may only take place prior to the last Friday in September during the first semester of any school year, and prior to the last Friday in January during the second semester of any school year. If a school district approves an application for such a transfer after the deadline in the first semester, the transfer will occur at the start of the second semester. If a school district approves an application for such a transfer after the deadline in the second semester, the transfer will occur at the start of the following school year. However, the deadlines for transfer do not apply if:

- (1) A student is seeking to transfer to an alternative school or a specialized nonpublic educational program;
- (2) A student enrolls in a school district after the deadline in either semester; or
- (3) The receiving school district school board or the board's designee determines that special circumstances exist and allows a student to transfer after the deadline.

Intradistrict transfer applications may be accepted and acted upon at any time at the board's discretion if the policies on which the transfer decisions are based are consistent with the other requirements of §§ 13-28-40 to 13-28-47, inclusive.

An application may be withdrawn by the applicant prior to the approval of the request and upon notification of the district to which the student applied. Once approved by the district in which the student wishes to enroll, the approved application serves as the applicant's notice of intent to enroll in the nonresident district or desired school during the school year and obligates the student to attend school in the nonresident district or desired school during the school year, unless, as provided in § 13-28-47.1, the affected school board or boards agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.

Once enrolled in a nonresident district or nonassigned school, the student may remain enrolled and is not required to resubmit annual applications.

Utah

Utah Code Ann. § 53G-6-402

(1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the state board for each student who resides in the district and, as provided in this section through Section 53G-6-407 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district, giving priority to a child of a military service member, as that term is defined in 53B-8-102.

(2)(a) A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.

(b) If a school's enrollment falls below the open enrollment threshold, the local school board shall allow a nonresident student to enroll in the school.

(3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.

(4)(a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.

(b) Those procedures shall provide, as a minimum, for:

(i) distribution to interested parties of information about the school or school district and how to apply for admission;

(ii) use of standard application forms prescribed by the state board;

(iii)(A) submission of applications from November 15 through the first Friday in February by those seeking admission during the early enrollment period for the following year; or

(B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53G-6-401(1)(b);

(iv) submission of applications by those seeking admission during the late enrollment period;

(v) notwithstanding any other provision of this part or Part 3, School District Residency, submission of applications for at least 30 days after the day on which a school boundary change takes effect for those affected by the school boundary change;

(vi) written notification to the student's parent of acceptance or rejection of an application:

(A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;

(B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year;

(C) within two weeks after receipt of the application by the district, for applications submitted during the late enrollment period for admission in the current year; and

(D) within two weeks after receipt of the application by the district, for applications submitted by students affected by a school district boundary change;

(vii) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

(viii) written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401 (1)(b) if:

(A) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and

(B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be implemented in the next school year.

(c)(i) Notwithstanding the dates established in Subsection (4)(b) for submitting applications and notifying parents of acceptance or rejection of an application, a local school board may delay the dates if a local school board is not able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school due to:

(A) school construction or remodeling;

(B) drawing or revision of school boundaries; or

(C) other circumstances beyond the control of the local school board.

(ii) The delay may extend no later than four weeks beyond the date the local school board is able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school.

(5) A school district may charge a one-time \$5 processing fee, to be paid at the time of application.

(6) An enrolled nonresident student shall be permitted to remain enrolled in a school, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:

(a) the student graduates;

(b) the student is no longer a Utah resident;

(c) the student is suspended or expelled from school;

(d) except for a student described in Subsection (6)(e), the district determines that enrollment within the school will exceed the school's open enrollment threshold; or

(e) for a child of a military service member, as that term is defined in Section 53B-8-102, who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:

(i) in kindergarten through grade 10, the student completes the current school year; or

(ii) in grades 11 and 12, the student graduates.

(7)(a) Determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school.

(b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.

	<p>(8) The parent of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:</p> <p>(a) the district of residence; or</p> <p>(b) another nonresident district.</p> <p>(9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.</p> <p>(10)(a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.</p> <p>(b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.</p> <p>(c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.</p> <p>(11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:</p> <p>(a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and</p> <p>(b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.</p> <p>(12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Section 675.</p>
Washington	<p>Wash. Rev. Code Ann. § 28A.225.270</p> <p>(1) Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.</p> <p>(2) A district shall permit the children of full-time certificated and classified school employees to enroll at:</p> <p>(a) The school to which the employee is assigned;</p> <p>(b) A school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or</p> <p>(c) A school in the district that provides early intervention services pursuant to RCW 43.216.580 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.</p>

(3) For the purposes of this section, “full-time employees” means employees who are employed for the full number of hours and days for their job description.

Wash. Rev. Code Ann. § 28A.225.210

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education. Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, 28A.300.035, and 28A.300.170 shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration or to nonhigh school districts participating in an interdistrict cooperative under RCW 28A.340.080 through 28A.340.090.

ADDITIONAL RESOURCES

- For more information regarding proposed and enacted legislation, see NCSL’s [Pre-K-12 Education Legislation Database](#), [Postsecondary Legislation Database](#), and [Student Loan Database](#).

Please note that NCSL takes no position on state legislation or laws mentioned in linked material, nor does NCSL endorse any third-party publications; resources are cited for informational purposes only.