



# OPEN ENROLLMENT & THE MAKE ROOM ACT

*Model Policy*  
*December 2023*

## 1) Short Title

This act shall be known and may be cited as the “Make Room Act”, (the “Act”).

## 2) Legislative Declaration

- a. Whereas students in this state have the right to access a free and appropriate public education that meets their unique needs; and
- b. Whereas school assignment by residential address excludes students from accessing a public education that meets their unique needs; and
- c. Whereas the capacity of a public school can change over time;
- d. Therefore, the Legislature declares it is against the interests of individual students and the state to assign students to public schools based on their residential address, and public schools shall reserve a portion of their capacity for students who reside outside of the district boundaries.

## 3) Make Room Act

- a. By February 1 each year, each school district shall determine the maximum number of students it can accommodate for the following academic year.
  - i. The school district shall determine the maximum capacity of the district by determining the maximum capacity of each school building.
  - ii. The school district shall determine the maximum capacity of each school building by determining the maximum capacity for each grade level in the school building.
- b. As part of the capacity determination, each school district shall reserve no less than 15 percent of its capacity at each grade level per school for students who live outside of the district boundaries.
  - i. Nothing in this legislation shall be construed to allow schools or schools districts to ignore {Insert State Fire Code} or any other applicable health and safety regulation.
  - ii. A student who is provided a seat under this program shall automatically retain their seat in the school district until they reach the terminal grade in the school district, unless otherwise removed by their parent.
- c. Capacity determinations must be current and must be identified on the school district’s website. The school district shall also send this data to the state department of education.
- d. The State Department of Education shall post the capacity of each school district, building, and grade level on its website.



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- i. This capacity data shall be updated on the State Department of Education website annually.
- e. If the number of transfer applications exceeds the number of open seats in a grade level or school, after the students assigned to that district school are counted, then the school district shall only admit transfer students based on the results of a lottery. The manner, time, and place of the lottery shall be held publicly with proper notice provided to families.
  - i. If space is available, a sibling of an admitted student who meets grade level requirements and wishes to attend the school shall be granted automatic enrollment.
- f. The school district shall maintain a waitlist of students who were not admitted and shall publish the number of students on waitlists on the school district's website.
  - i. The school district shall submit to the State Department of Education the total number of students on its waitlist, disaggregated by school building and grade level.
  - ii. The State Department of Education shall track the total number of students on the waitlist and post the waitlist counts on the same page as the school district capacities.