



INTRADISTRICT OPEN ENROLLMENT

Policy Analysis
November 2021

An intradistrict open enrollment policy allows families to choose a public school within their district of residence.

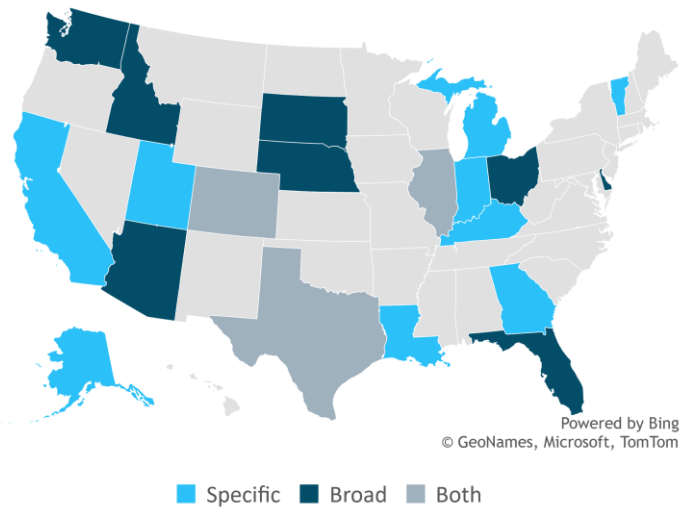
20-STATE POLICY ANALYSIS

Background

Open enrollment policies clarify how and when parents can access their chosen public schools, regardless of residence. There are two types of open enrollment policies: (1) interdistrict policies determine how parents can access public schools outside their district of residence, and (2) intradistrict policies determine how parents can access any public school within their district of residence.

Mandatory policies require districts to participate, while voluntary policies allow districts to choose to participate. Thirty-four (34) states have intradistrict policies, twenty (20) of those policies are mandatory while fourteen (14) are voluntary. Some states have both mandatory and voluntary policies. **This analysis compares mandatory intradistrict open enrollment policies in twenty (20) states.**

States with Mandatory Intradistrict Policies



ExcelinEd compares mandatory intradistrict open enrollment policies in 20 states.

| | AK | AZ | CA | CO | DE | FL | GA | ID | IL | IN | KY | LA | MI | NE | OH | SD | TX | UT | VT | WA |
|---------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Parent request for any reason | | • | | • | • | • | | • | • | • | | | | • | • | • | • | | • | • |
| District must adopt policy | | • | • | • | • | • | | | • | • | | • | | | • | • | | | | • |
| Required for safety concerns | • | | | | | | | | • | | | | | | | | • | | | |
| Required for performance | | | • | | | | | | | | | • | • | | | | | | | |
| Limited application | • | | • | | | | • | | • | • | • | • | • | | | | • | • | • | |
| Transportation addressed | | • | | | • | • | • | • | | | | • | | | • | • | • | • | • | • |
| Standard forms statewide | | • | | | • | | | • | | | | | | | | • | | • | | |
| Addresses special education | | | | • | | | | | | | | | | | • | • | • | | • | |
| Limited window for transfer | • | | • | • | • | | | • | | | | • | | | | | | | • | |
| Explicitly allow nearest school | | | | | | | • | | | | • | | | | | | | | | |
| Must inform parents | • | • | • | | • | • | | | | | | • | | | • | • | | • | | • |

Summary

Twenty (20) states have mandatory intradistrict open enrollment policies, addressing the issue explicitly in statute. These policies vary widely. Eight (8) states have broad mandatory intradistrict policies that allow parents to choose a public school for nearly any reason. Nine (9) states limit mandatory intradistrict policies to address specific issues like geography, safety, or low-performing schools. Three (3) states have both broad and specific mandates. A few states have mandates related to safety, school performance, and geographic location. Eleven (11) states explicitly address transportation in the intradistrict section of statute. Seven (7) states only allow intradistrict transfers during an established window of time. Ten (10) states require information to be shared with parents.



BROAD REQUIREMENTS

Eleven (11) states establish broad requirements that allow parents to choose their public school. The requirements in Nebraska and Delaware largely rely on legislative intent, while those in Arizona, Florida, Idaho and Texas clearly articulate demands on behalf of parents. Florida perhaps carries the strongest language, requiring that school boards “shall allow a parent from any school district in the state...to enroll his or her child in...any public school.”

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| Arizona | “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.” (Ariz. Rev. Stat. § 15-816.1) |
| Colorado | “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...”(C.R.S. 22-36-101) |
| Delaware | “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.” (Del. Code Ann. 14 § 405) |
| Florida | “...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.” (Flor. Stat. Ann. § 1002.31) |
| Idaho | “Whenever the parent or guardian of any 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 home district, such pupil, or pupils, may be transferred to and attend the selected school, subject to the provisions of this section...” (Idaho Code Ann. § 33-1402) |
| Illinois | “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.” (105 ILCS 5/10-21.3a) |
| Nebraska | “The Legislature finds and declares that parents and legal guardians have the primary responsibility of ensuring that their children receive the best education possible. In recognition of this responsibility, the Legislature intends to provide educational options for parents and legal guardians, when deciding what public school or public school district is best for their children...” (Neb. Rev. Stat. § 79-232) |
| Ohio | “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.” “‘Alternative school’ means a school building other than the one to which a student is assigned by the district superintendent.” (Ohio Rev. Code Ann. § 3313.97) |
| South Dakota | “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.” (S.D. Code Ann. § 13-28-40) |
| Texas | “The board must grant the request made in the petition unless the board determines that there is a reasonable basis for denying the request.” (Texas Educ. Code Ann. § 25.034) |
| Washington | “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.” (RCW 28a.225.270) |



SPECIFIC REQUIREMENTS

Eleven (11) state requirements are specific. Alaska, Illinois, and Texas maintain strong requirements for students who have been victims of crimes or who attend dangerous schools. California, Louisiana, and Michigan allow students to transfer from low-performing schools to high-performing schools.

| Safety | |
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| Alaska | <p>Alaska's intradistrict mandate is situated within a section of code that outlines how districts should respond to safety issues. Students who attend dangerous schools or who are victims of a crime have the right to transfer to a safe school.</p> <p>“A parent who requests a transfer under 4 AAC 06.210 or 4 AAC 06.230 may also request that the student remain in the receiving school until the student completes the highest grade level offered by that school. The district shall grant the request.” (4 AAC 06.240)</p> |
| Illinois | <p>Illinois' intradistrict policy contains more than one mandate, including a broader one that relies on district policy. But the state's strongest mandates regard persistently dangerous schools and students who are victims of crimes.</p> <p>“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...” (105 ILCS 5/10-21.3a)</p> |
| Texas | <p>Texas allows for students to transfer schools when they are victims of a crime or have been subjected to bullying.</p> <p>“On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim...” (Texas Educ. Code Ann. § 25.042)</p> |

| School Performance | |
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| California | <p>California's mandate regarding transfer from low-performing schools directly relates to federal mandates from No Child Left Behind, the 2001 reauthorization of the Elementary and Secondary Education Act of 1965.</p> <p>“The parent of a pupil enrolled in a low-achieving school may submit an application for the pupil to attend a school in a school district of enrollment pursuant to this article.” (Cal. Educ. Code § 48354)</p> |
| Louisiana | <p>Louisiana's mandate is reliant on the accountability statutes that guide the A-F grading of schools.</p> <p>“A. The parent or other legal guardian of any student may enroll his child in the public school of his choice, without regard to residence, school system geographic boundaries, or attendance zones, provided both of the following apply:</p> <p>(1) The public school in which the student was most recently enrolled, or would otherwise attend, received a school performance letter grade of "D" or "F" for the most recent school year, pursuant to the state's school and district accountability system.</p> <p>(2) The school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year, pursuant to the state's school and district accountability system, and has sufficient capacity at the appropriate grade level.” (La. Rev. Stat. § 17:4035.1)</p> |
| Michigan | <p>Michigan boasts a voluntary intradistrict policy, but here we are discussing their mandatory policy situated in the accountability statute.</p> <p>“(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:</p> <p>(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.” (Mich. Comp. Laws Ann. § 380.1280)</p> |



SPECIFIC REQUIREMENTS

At least four other state laws maintain statutes with other types of limited requirements. Vermont’s intradistrict policy is only available to high school students. Utah’s mandatory policy relates to students who may be been displaced by changing attendance zones. And Kentucky and Georgia allow students to attend the school nearest their residence even if they are zoned for another school. Indiana’s mandatory intradistrict policy only relates to Indianapolis, creating a broad requirement for a small portion of the state.

| Other Specific Requirements | |
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| Georgia | <p>School nearest residence.</p> <p>“If the student’s place of residence is located closer to a school other than the school assigned the student by the local board of education, regardless of the school district in which the closer school is located, and the distance or travel time to the school to which the student has been assigned is, in the determination of the State Board of Education, excessive, and the school which the student is applying to attend is the closest available public school offering a regular program to the student’s residence and has available permanent classroom space, the State Board of Education may authorize the student to attend the closer school.” (O.C.G.A. § 20-2-294)</p> |
| Indiana | <p>Geographically constrained to Indianapolis.</p> <p>“The school city shall offer a parental choice program that allows a parent the opportunity to choose the school in the school city that the parent’s child will attend.” (IC 20-25-7-1)</p> |
| Kentucky | <p>School nearest residence.</p> <p>“Within the appropriate school district attendance area, parents or legal guardians shall be permitted to enroll their children in the public school nearest their home.” (Ky. Rev. Stat. § 159.070)</p> |
| Utah | <p>To avoid displacement in the case of boundary adjustments.</p> <p>“In adjusting school boundaries, a local school board shall strive to avoid requiring current students to change schools and shall, to the extent reasonably feasible, accommodate parents who wish to avoid having their children attend different schools of the same level because of boundary changes which occur after one or more children in the family begin attending one of the affected schools.” (Utah Code Ann. § 53G-6-407)</p> |
| Vermont | <p>Public school choice only available to high school students.</p> <p>“Limits on transferring students. A sending high school board may limit the number of resident students who transfer to another high school under this section in each year; provided that in no case shall it limit the potential number of new transferring students to fewer than five percent of the resident students enrolled in the sending high school as of October 1 of the academic year in which the calculation is made or 10 students, whichever is fewer; and further provided that in no case shall the total number of transferring students in any year exceed 10 percent of all resident high school students or 40 students, whichever is fewer.” (16 V.S.A. § 822a)</p> |



TRANSPORTATION

While a few states, like Arizona and Florida, explicitly allow districts to provide transportation to transfer students, most states with explicit policies assign transportation responsibilities to parents.

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| Arizona | “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.” (Ariz. Rev. Stat. § 15-816.1) |
| Delaware | “The parent of any child enrolled in a district other than the district of residence, or enrolled in a school within the district of residence other than the school in which the child would normally be enrolled based upon the residence of the child’s parent or parents, shall be responsible for transporting the child without reimbursement to and from a point on a regular bus route of the receiving district.” (Del. Code Ann. 14 § 409) |
| Florida | “...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...A school district or charter school may provide transportation to students described under this section.” (Flor. Stat. Ann. § 1002.31) |
| Georgia | “The responsibility for and cost of transporting the student to a school to which the student has been assigned under this Code section shall be that of the student.” (O.C.G.A. § 20-2-294) |
| Idaho | “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.” (Idaho Code Ann. § 33-1402) |
| Louisiana | “D. Notwithstanding the provisions of R.S. 17:158 to the contrary, a school system shall not be required to provide transportation to any student enrolled in a public school pursuant to this Section that is located outside of the geographic boundaries of the school system in which the student resides, if providing such transportation will result in additional cost to the school system.” (La. Rev. Stat. § 17:4035.1) |
| Ohio | “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.” (Ohio Rev. Code Ann. § 3313.97) |
| South Dakota | “If a student is transferred from one school to another school within a school district at the request of the student’s parent or guardian, notwithstanding any other provision of law, the school district is not required to provide transportation services to the student.” (S.D. Code Ann. § 13-28-41.1) |
| Texas | “(b) A school district is not required to provide transportation to a student who transfers to another campus under this section. This subsection does not affect any transportation services provided by the district in accordance with other law for the student receiving special education services.” (Texas Educ. Code Ann. § 25.0343) |
| Utah | “The parent of the student shall arrange for the student’s transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student’s attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student’s presence does not increase the cost of the bus route.” (Utah Code Ann. § 53G-6-407) |
| Vermont | “Transportation. Jointly, the superintendent of each supervisory union shall establish and update a statewide clearinghouse providing information to students about transportation options among the high school districts.” (16 V.S.A. § 822a) |



INFORM PARENTS

At least ten (10) states with mandatory intradistrict enrollment policies require boards and districts to share information with the public. Arizona requires the state mount a public awareness campaign. Alaska, California, and Louisiana require specific parents be informed within specific timeframes. Washington requires every district to inform every parent every year about their intradistrict and interdistrict enrollment options.

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| Alaska | "...within 10 days after the department designates the school, provide all parents of students who attend the school notice..." (4 AAC 06.240) |
| Arizona | "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." (Ariz. Rev. Stat. § 15-816.1) |
| California | "(b) (1) Consistent with the requirements of Section 1116(b)(1)(E) of the federal Elementary and Secondary Education Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first day of the school year, or, if later, on the date the notice of program improvement, corrective action, or restructuring status is required to be provided under federal law the district of residence shall provide the parents and guardians of all pupils enrolled in a school determined in subdivision (a) of Section 48352 with notice of the option to transfer to another public school served by the school district of residence or another school district." (Cal. Educ. Code § 48354) |
| Delaware | "No later than October 31 of each year, each receiving district shall hold at least 1 public information session about choice opportunities available in schools and programs in that district for the coming academic year." (Del. Code Ann. 14 § 404) |
| Florida | "Each district school board shall adopt by rule and post on its website the process required to participate in controlled open enrollment." (Flor. Stat. Ann. § 1002.31) |
| Louisiana | "Prior to the transfer request period, the public school governing authority shall notify parents and legal guardians of students enrolled in a school that received a "D" or "F" school performance letter grade..." (La. Rev. Stat. § 17:4035.1) |
| Ohio | "(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." (Ohio Rev. Code Ann. § 3313.97) |
| South Dakota | "Each school district shall make relevant information about the district, schools, programs, policies, and procedures available to all interested people." (S.D. Code Ann. § 13-28-47) |
| Utah | "...distribution to interested parties of information about the school or school district and how to apply for admission..." (Utah Code Ann. § 53G-6-402) |
| Washington | "Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form." (RCW 28a.225.300) |