I. Short Title

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

II. 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.

III. Make Room Act

a. By February 1 each year, each school district shall determine the maximum number of students for each grade and school for the following academic year.

b. The maximum number of students for each grade level and school is the district’s capacity.

c. As part of the capacity determination, each school district shall reserve no less than 15 percent of its capacity at each grade level and school for students who live outside of the district boundaries.

d. Capacity determinations must be current and must be identified on the school district’s websites.

e. If the number of transfer applications are greater than the number of open seats in a grade level or school, then the school district shall only admit students based on the results of a lottery. The lottery shall be held publicly with proper notice provided to families.

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.