



THE BROKEN PROMISE of **BROWN v BOARD of ED**

A 50-State Report on Legal Discrimination
in Public School Admissions

April 2024



A nonpartisan
watchdog defending
equal access to
public schools

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COVER: Nettie Hunt and her daughter Nikie on the steps of the U.S. Supreme Court after the Brown v Board of Education ruling.

Photo: Carl Iwasaki/Life Images Collection/Getty Images

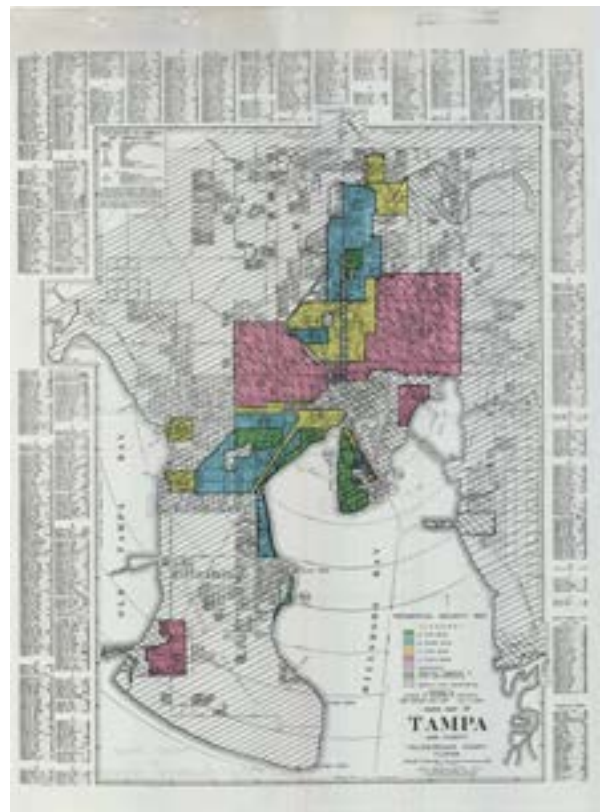
Introduction

This is a year of celebration. Seventy years ago this May, the Supreme Court outlawed racial segregation in the public schools. The court's ruling in *Brown v. Board of Education* made it illegal for states and school districts to turn African American children away from a public school because of their race, ending a shameful era of American history and reimagining our social contract.

But this is also a year of reckoning. Seven decades after *Brown*, low-income children—many of them children of color—are still systematically excluded from the very best public schools. The brutal truth is this: In 2024, Linda Brown wouldn't be turned away from a coveted public school because of her race, but it's likely she would still be turned away. And it's all perfectly legal.

How can a public school deny enrollment to a student in 2024? Usually because of their address. The vast majority of public schools still use exclusionary maps to determine who is or isn't eligible to enroll. These maps are reminiscent of the redlining era in the decades before *Brown*, when the federal government drew maps that determined who was or wasn't eligible for housing assistance. Certain neighborhoods were labeled "hazardous" because they had high concentrations of minorities or immigrants. Shading these areas red, the government marked those families as ineligible for valuable government services. [Research](#) has shown that, even today, the attendance zones of many coveted public schools mirror the patterns of those redlining maps and keep middle-income and low-income families locked out of the best public schools.

This educational redlining explains how neighboring schools like Lincoln Elementary and Manierre Elementary—two campuses serving Chicago's Old Town neighborhood—can end up so starkly different. At Manierre, where 98% percent of students are Black or Latino, not a single graduating eighth grader could read at grade level in 2023. Just a mile away at Lincoln, the school is majority white, and over 84% of eighth graders can read proficiently. The two populations are kept completely separated by an attendance zone line, drawn down the middle of North Avenue by the [school district](#).



Our nation has a long history of using discriminatory maps that prevent low-income Americans, especially people of color, from accessing valuable government services. Above is a redlining map of Tampa, Florida produced by the Home Owners' Loan Corporation during the New Deal Era.

Layered on top of this geography-based exclusion are other types of discrimination, like those based on income. Believe it or not, many coveted magnet schools give [enrollment preferences to wealthy families](#), trying to lure them away from their high-quality zoned schools. It is one of the great ironies of public education that magnet schools, created to reduce segregation and increase opportunities for low-income children of color, often now intentionally put those same children at a disadvantage. Linda Brown, in other words, might be legally turned away from a public school in 2024 because her family doesn't make enough money.

Or she might be turned away if she has a disability. In several states, it's [perfectly legal](#) for a school to deny a child an "open enrollment" seat if the child has a minor disability. The school just reports that the special education program is "full," and there's no way to verify that claim.

This is a failure of the law. Chief Justice Earl Warren, [writing for a unanimous Supreme Court](#) in 1954, had promised that henceforth the public schools would be "available to all on equal terms." But, in the years after Brown, the courts got tangled up in the very real and urgent problem of eradicating explicit racial segregation, especially in the Southern states. They never came back around to provide substantive and procedural protections that would have fulfilled the original promise of that ruling.



The Warren Court. U.S. Supreme Court Justices of the 1953 session.

Photo: Harris and Ewing/Library of Congress, Prints and Photographs Division

In the past 70 years, this issue has fallen through the cracks. The federal courts have consistently narrowed the scope of their scrutiny of public school enrollment practices, as school districts have stricken any mention of explicit racial segregation from their official policies. The state courts have largely deferred to school district bureaucrats and school staff, giving them tremendous discretion over enrollment policies, no matter how many kids are turned away. And, finally, our legislators have not passed the types of laws that would require the courts to protect American families and ensure that all children have equal access to the public schools.

This lack of oversight has persisted despite ample evidence that school staff frequently have strong incentives to be selective about which kids are admitted. “My theory is that he wasn’t testing very well,” says [a mom from Tucson, Arizona](#) whose son’s “open enrollment” seat at a coveted public school was revoked after he was diagnosed with a disability. The school claimed that it didn’t have room for him in the special education program, even though he was already enrolled in that program. “How a school performs is largely based on the test scores of the students who are attending,” she observes, so the school may have had an incentive to move her son out of the school.



Kelley Williams-Bolar spent nine days in jail for using her dad’s address to allow her daughters to attend a safe, high-quality public school in Ohio.

One former school administrator, [speaking anonymously](#), told us, “There’s this systemic pressure to sort of stack your school with kids who are easier to educate.” And this pressure cuts across all the different segments of public schools. “This isn’t a charter school thing, it’s not a traditional public school thing, it’s not a magnet school thing,” she says. “It’s a public education thing.”

In this report, we survey the laws that govern public school admissions in all 50 states, plus the District of Columbia. Our research shows that this area of the law is in urgent need of reform and oversight, at both the state and the federal levels. We found that:

1. American families generally have very **weak legal protections** related to their children’s access to individual public schools.
2. **Discrimination in admissions** is often explicitly allowed or even required by the law, and neutral, non-biased admissions procedures are required only in narrow circumstances or for certain types of schools.
3. Significant **inconsistencies and loopholes** in existing law can be exploited by school officials to control the makeup of a school’s enrollment.

These gaps in the law represent a significant violation of the terms of our social contract. Reform is urgently needed so that the public schools can finally fulfill their sacred mission of being equally open to all families, giving all children equal access to the American dream.

Executive Summary

This report is meant to resolve a paradox. *Brown v. Board of Education* was supposed to open up the schools to all American children, but 70 years later the best public schools generally remain closed to all but the wealthiest families. Why is that?

We want to understand how each of the following can happen in 21st-century America, all under the cover of law:

- ▶ School districts hire private detectives to [spy on children](#) after school, conduct residency checks, and sometimes [prosecute parents](#) for accessing the “wrong” public school.
- ▶ An 8-year-old boy with a disability in Tucson is told that he is [no longer welcome](#) at the school he is attending, and his “open enrollment” seat is being revoked because the special education program is full.
- ▶ A magnet school in Houston accepts \$2 million in additional district funding every year for specialized programs, despite not admitting a single student from outside the school’s attendance zone, a practice that the former superintendent of the Houston district calls being “[magnet in name only](#).”
- ▶ A scandal erupts in Philadelphia over a charter high school illegally using an admissions policy that gave [privileged access](#) to students from certain ZIP codes or preferred feeder middle schools. Meanwhile, the Philadelphia school district legally operates a similar system of over 240 schools using a default assignment system of [feeder patterns based on the child’s address](#).
- ▶ In Tampa, a failing school closes, requiring the district to find a new school for hundreds of low-income elementary students. But [not a single one of these students is allowed to enroll](#) in the A-rated schools that are minutes from their homes. Instead, they are bused to majority minority schools with much lower levels of student achievement.
- ▶ Schools in [Atlanta](#), [Dallas](#), and [Chicago](#) spend \$10 million to \$20 million to add capacity to coveted public elementary schools, despite thousands of empty seats at nearby elementary schools—just to preserve privileged access for families who bought homes in the attendance zone.

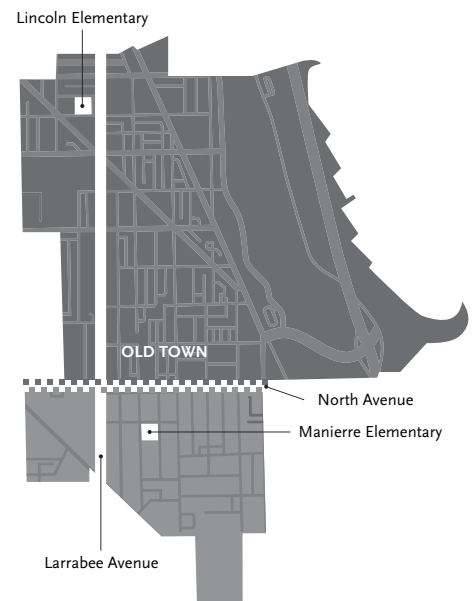
- ▶ Children in Roseville, California, are [denied the opportunity to enroll](#) in a brand-new Roseville elementary school just blocks from their home and instead are bused 20 minutes away to a school in the Center Joint Unified School District, because of an archaic, gerrymandered district line.
- ▶ A school board in a wealthy Connecticut suburb [declines to participate](#) in a pilot “open enrollment” program because it would have required them to admit just 16 kids from neighboring Norwalk, which has more middle-income and low-income students.

All of the above, except for the charter school’s admissions policies, are legal under current federal and state law.

It is true, at least in theory, that every American child has access to the public school system: The system has been designed so that every child has one school that must accept them. But access to the system cannot guarantee equality of opportunity. Indeed, *Brown v. Board of Education* was not about access to the system, but about access to an individual public school. Linda Brown already had access to the public school system and attended a public school in Topeka. The NAACP, however, asked the courts to rule that it was a violation of the Equal Protection Clause of the Fourteenth Amendment for Linda Brown to be denied access to a particular public school, Sumner Elementary. And the Supreme Court agreed.

Protecting equal access to individual public schools is absolutely necessary. Just look at those two schools that serve the Old Town neighborhood of Chicago. At Lincoln Elementary, 84% of graduating eighth graders can read proficiently. A mile away, at Manierre Elementary, not a single graduating eighth grader can read proficiently. If an Old Town child is forbidden to attend Lincoln but assigned to Manierre instead, he or she has effectively been [“denied the opportunity of an education.”](#) Just like Linda Brown was when she was turned away from Sumner Elementary and sent to Monroe Elementary.

The uncomfortable truth is that exclusion in our K-12 public schools is inevitable. A school like Lincoln must turn children away, because thousands of parents perceive—rightly or wrongly—that it is vastly superior to the other public schools in the neighborhood. These coveted public schools can be traditional public schools like Lincoln, or they can be [charter schools](#) or [magnet schools](#). Since there just aren’t enough seats in many of these schools, children cannot be guaranteed a seat in a specific public school. Indeed, we cannot find any examples of states that guarantee a child the right to attend the school that they are zoned for, and some specifically emphasize that children [do not have a right](#) to attend the zoned school.



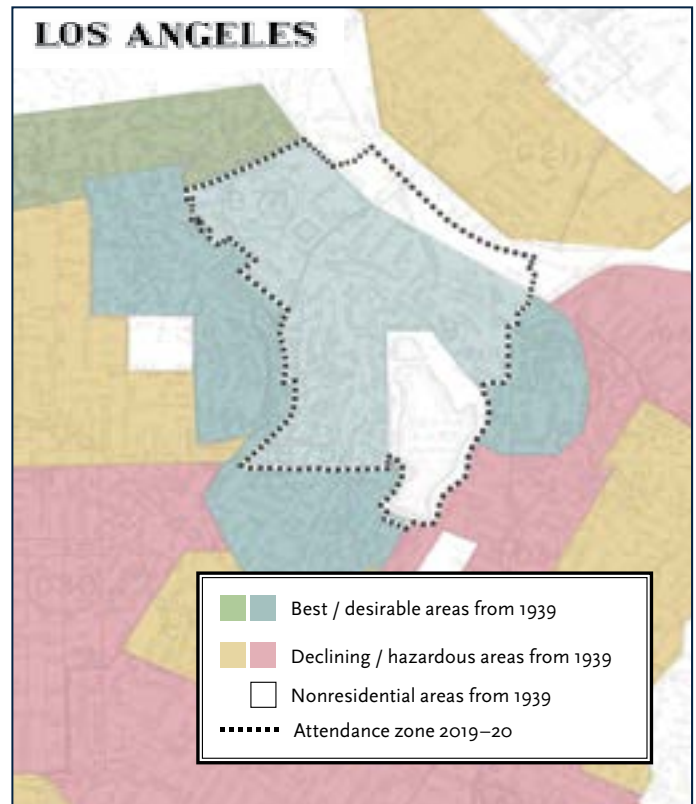
In Chicago, the student populations at Lincoln Elementary (a coveted public school) and Manierre Elementary (a failing school) are kept completely separate by a line drawn down the middle of North Avenue. The schools are only a mile apart.

What we can and should guarantee is an equal opportunity to enroll in a public school. The key questions are these: On what grounds can a school legally turn children away? Do families have legal protections, or does the school have a tremendous amount of discretion? Is the school required to use neutral, non-discriminatory criteria, or is it allowed to use geography or income or other non-neutral criteria to [cherry-pick](#) its students? How can we ensure that these schools remain public in nature and don't become quasi-private institutions, as many of these schools appear to have become?

School enrollment policies in the U.S. can only be understood in the context of decades of housing discrimination in the United States. Richard Rothstein's book, [The Color of Law](#), shows how government policy—through redlining maps, the enforcement of racially restrictive covenants, and other methods—discriminated against people of color and helped ensure that neighborhoods would be racially segregated. Utilizing redlining maps published by the University of Richmond, Tim DeRoche, the president and founder of Available to All, wrote [a 2020 book](#) showing how the modern-day attendance zones of many coveted public schools mirror the racist redlining maps of the 1930s. And, in 2021, the Urban Institute published a rigorous report detailing how housing discrimination overlaps with exclusionary school boundaries: [Dividing Lines: Racially Unequal School Boundaries in U.S. Public School Systems](#).

Brown v. Board of Education was a narrow ruling in that it only outlawed school assignment based explicitly on race. Federal law still allows school assignment schemes that rely on variables that correlate with race—such as address or income level. And a system based primarily on geography will, by default, end up excluding most low-income children from attending the best public schools. (See our discussion of federal law on [page 29](#).)

In this report, we will use the word “discrimination” to refer to any type of enrollment policy that is non-neutral on its face. Enrollment policies that give preference to students from certain geographic areas or families of a certain income level (whether high-income or low-income) are, by definition,



The attendance zone for coveted Ivanhoe Elementary School in Los Angeles excludes minority neighborhoods labeled “hazardous” or “declining” on the government’s redlining map from 1939.

Source: Los Angeles Unified School District, U.S. Home Owners’ Loan Corporation

discriminatory. A lottery, on the other hand, is an enrollment procedure that attempts to be neutral and non-discriminatory. A policy of first come, first served would also be neutral and non-discriminatory on its face.

There is no utopian solution to the problem of public school admissions, and every possible enrollment system will pose the risk of abuse and difficult issues of implementation. That's why the law is so important: to establish the standard of equal access to the public schools and to provide for the enforcement of that standard. American families should have legal protections that safeguard their access to the public schools. The schools themselves should be required to have neutral, non-discriminatory enrollment practices. The laws should be robust and consistent, so that all schools play by the same set of rules. And the courts should be actively engaged in ensuring that the public schools remain open to all.

But none of this is true right now.



*Linda Brown in 1964 outside the Sumner School, which had denied her enrollment in 1950.
Photo: Associated Press*

FINDING #1-Weak legal protections for American families

American families generally have very **weak legal protections** related to their children’s access to individual public schools. So, for example, when a child living in Old Town Chicago is told that they are ineligible to attend Lincoln Elementary, even though they live a mile away, the family has no legal recourse with the Chicago Public Schools (CPS). This is especially troubling, given (1) the perceived scarcity of high-quality public school options, and (2) the incentives that school staff have to select students who they believe will be easier to educate

American families generally have very weak legal protections related to their children’s access to individual public schools.

As noted above, **federal protections are narrow**. Discrimination based on race, national origin, and religion are forbidden, but the courts have ruled that the Equal Protection Clause of the Fourteenth Amendment does not apply to other types of discrimination that might be correlated with these “suspect” classifications. A small number of federal statutes touch on issues of access to public schools, but these laws do not provide substantive or procedural protections for American families.

What’s more, the **state constitutions also provide limited protections related to access to public schools**. Clauses in the state constitutions that could be seen to govern public school enrollment practices are primarily related to protected classes (race, religion, etc.), rather than procedural protections for all kids. Unfortunately, that means schools are allowed to discriminate based on factors that correlate with race, including both residential address and income level, so the majority of kids of color can still be legally excluded from the best public schools.

Half of the states have some constitutional language that could—in theory—be interpreted to protect the idea of equal access to the public schools more generally, including nine states whose constitutions promise that the public schools will be “open to all” and five states whose constitutions mandate “equality of educational opportunity.” To date, however, the state courts have not yet taken up the question of whether these requirements put limitations on public school enrollment policies. Indeed, most state courts are reluctant to intervene in educational policy issues and are likely to perceive all of the nuances of enrollment as “legislative” or “administrative” in nature, and significant deference is shown to legislators and to rule-making agencies. So opportunities to pursue equal access to public schools via constitutional litigation are likely sharply limited.

Only two states have a substantive statute that addresses school access directly across the different types of public schools. Delaware and Florida each have a substantive law governing enrollment policies at all public schools in the state, and both laws have significant limitations. (See Delaware profile on [page 69](#) and Florida profile on [page 74](#).) A handful of other

states have general statutes that could be seen to protect equal access to public schools, guaranteeing “equal educational opportunity” or that the schools be “open to all,” but the courts have not yet interpreted these clauses to put restrictions on school enrollment policies.

Finally, **there are very few reporting requirements and/or transparency standards for public school application and admissions procedures.** Policymakers are generally in the dark on these issues, since most states do not require the collection and publication of data. Very few states track the capacity of individual public schools in order to ensure that schools do not abuse capacity constraints as an excuse for keeping certain students out. (Florida is a significant exception to this with its [Florida Inventory of School Houses](#) or FISH.) No state currently requires public schools to report on acceptance/denial rates.

With few protections for families, districts and schools are free to establish admissions policies that are legally discriminatory and non-neutral.



School integration in Washington, D.C., 1955. Photo: Thomas J. O'Halloran/Library of Congress

FINDING #2-Legal discrimination and non-neutral enrollment practices

Geographic discrimination is the default system and is often built into state law. All 50 states and the District of Columbia allow or require school assignment to be based on the student’s residential address, and there are two types of lines that play a role in this geographic discrimination—school district boundaries and attendance zones. School districts will often cite state law directly as justification for their policies that discriminate based on geography. The Texas Association of School Boards [advises their members, based on state law](#), how and when they can charge tuition to transfer students who live outside the district.

Geographic discrimination is the default system and is often built into state law.

American law has typically achieved universal rights to public education by carving up state maps so that a particular entity—sometimes a municipality or county, but more typically an independent governmental agency known as a school district or school division—is responsible for educating the children who reside within the specified area. This is the system of school *district boundaries* and the governmental institutions that operate the schools within them.

In addition, empowered either implicitly or explicitly by state law, school districts typically draw attendance zones that determine which district residents are eligible (or ineligible) to attend a particular school. This system of residential assignment is the default system, and [over 80% of American public school students attend their residentially assigned school](#). The geography-based system means that children in many jurisdictions typically have no procedural rights when they apply to a non-charter public school that isn’t their zoned school.

Other types of discrimination are layered on top of the geographic system. Because wealthier families have privileged access to the best public schools via educational redlining, it is often difficult for other schools to attract these families. In an effort to recruit these wealthier, better-educated families, magnet schools will frequently give preferential enrollment to families above a certain income level or who live in certain ZIP codes that have higher income levels. These preferences are justified as a way for the school to meet its goal for racial integration, an objective that was built into the launch of magnet schools in the 1970s and 1980s. The irony is that these schools, created to increase educational opportunities for low-income children of color, now often give preferential enrollment to the most privileged families.

In most cases, charter schools are prohibited by state law from using such tactics, but charter schools may utilize selective marketing or administrative hurdles to accomplish similar ends. In addition, many states have open enrollment laws that allow or require districts to give students the opportunity to enroll in schools that are not their traditional zoned public school. But, in some states with strong open enrollment laws, such as [Arizona](#) and [Wisconsin](#), districts are allowed to use unverified claims of capacity constraints to keep children with disabilities from enrolling.

Certain populations of kids are most at risk of not having equal access to the best public schools. The default system based on geography means that certain groups of at-risk children are vulnerable to being systematically excluded from the best public schools, including children who are (1) homeless, (2) migrant, (3) in foster care, (4) from a military family, or (5) imprisoned, as well as (6) middle-income and low-income children who live on the “wrong side of the tracks.” Children with disabilities are at particular risk because they have no meaningful rights to gain access to schools other than the one assigned to them by their district of residence. Federal law does provide some specific, class-based protections for some of these groups, but these protections are generally highly targeted and do not protect the general principle of equal access. See the section on federal law on [page 29](#).

Despite the breadth of these discriminatory policies, there is little consistency in the law.



Students in San Francisco recite the Pledge of Allegiance, shortly before the forced evacuation of Japanese-American families.

Photo: Dorothea Lange/Wikicommons

FINDING #3 - Inconsistency and loopholes

While geographic assignment is widespread in all 50 states and the District of Columbia, states have often passed particular bills that provide **exceptions or loopholes** in certain circumstances or for certain types of schools. The most obvious example is that all 50 states and the District of Columbia allow or require traditional public schools to operate attendance zones, while the vast majority of charter schools in these states are forbidden from doing the same. (The typical exception is charter schools that are conversions from typical public schools, which are often required to continue using the preexisting attendance zone.) This means that parents not only have to deal with discriminatory laws and policies, but they must navigate a confusing system where the rules seem to be different from school to school.

Open enrollment and public school choice laws, where they exist, are inconsistent and have significant loopholes. While many states have laws governing open enrollment for within-district transfers (28 states) or cross-district transfers (45 states), these are sharply constrained. Districts, for example, may have the legal ability to decline to participate in open enrollment. In 24 states, parents are, at least in some circumstances, forced to get the approval of their “home” district before enrolling their child in a better school outside the district. In others, parents must pay “tuition” for their child to attend a school outside their district of residence. And all existing Open enrollment laws reinforce the geographic system by allowing schools to opt out if they are “full,” though there is no procedure for challenging such a claim.

Even in places with a significant amount of “public school choice,” **individual public schools can be captured by interest groups or small groups of parents.** Look, for example, at Gorrie Elementary School in Tampa, Florida. Florida generally has strong public school choice, and families may have a number of options of different types of schools. But Gorrie Elementary, a traditional public school with an “A” rating from the Florida Department of Education, remains extremely exclusive, operating an attendance zone that [mirrors the racist redlining map](#) from 1936 and excluding many low-income kids who live within blocks of the school.

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Charter school laws typically have the strongest protections for equal access. Charter school laws may provide a model for states that seek to improve school access across the public school system, as these laws typically have a number of measures that protect equal access. For example, charter school statutes typically: (1) specify that a school must take applications

from all children, (2) require a lottery or other neutral admissions criteria to select students, if the school has more applications than seats, and (3) prohibit discrimination against applicants based on their address of residence. However, in 20 states, charter laws also carry forward strong elements of geographic discrimination, such as the common requirement that conversion charter schools (those that begin as traditional public schools) continue to operate the preexisting attendance zone. Given that these schools are often converted based on a local vote of parents, these enrollment preferences may be reasonable in some circumstances, but they also reinforce the idea that there can be a private right to attend a particular public school. Finally, though charter school laws hold these schools to high standards of openness, the processes for holding charter schools to the law may be lax.

States typically do not put any legal constraints on magnet school admissions, so magnets are often the Wild West of public school enrollment. While many states have specific statutes that govern charter-school admissions and a handful of states address enrollment policies in the traditional public schools, magnet schools are generally free from legal oversight and can discriminate based on any number of non-neutral criteria. Only five states have statutes that govern magnet school admissions, and these are generally weak and/or vague. In a state like Virginia, for example, the Fairfax County Public Schools can operate an [elite, highly selective magnet school](#) like Thomas Jefferson High School without any state oversight of its admissions policies, since Virginia has no statute providing guardrails for magnet admissions.

Magnet schools were, at least in part, created to support the voluntary reduction of racial divisions in the schools (what the courts call *de facto* segregation). By reducing racial divisions, supporters of magnet schools hoped to provide more integrated learning environments that would give low-income kids of color more educational opportunities. Many magnet schools, however, faced difficulties in recruiting higher-income white families to attend the school, which made it challenging for them to reduce the levels of segregation. These wealthier families generally had access to high-quality public schools as a result of educational redlining, so they were less likely to seek out other options such as magnets.

As a result, many magnet schools have adopted [enrollment preferences for wealthier families](#) that they presume are more likely to be white. Schools have enrollment preferences for children from higher income levels, or they have enrollment preferences for children who come from high-income ZIP codes. (Note: A smaller minority of magnet schools cater primarily to wealthier families, and these schools will often give enrollment preferences to lower-income children.)

Ironically, this means that schools originally designed to give more opportunities to low-income kids of color ended up discriminating against these very families in their admissions policies. The confusion and inconsistency of this area of the law is demonstrated by the fact that some public schools (charters) are forbidden to discriminate in favor of wealthy families, while other public schools (magnets) are explicitly empowered to do so.

Recommendations

It's a national tragedy that we left undone the primary work of the civil rights movement as it relates to public education. The first step is for legislators to take up this issue. As our state profiles show, the vast majority of states have confusing and inconsistent laws that govern access to public schools. Open enrollment is generally seen as a small program on the margin, serving a minority of families. These laws should be rewritten to provide meaningful protections for all families, ensuring that the public schools are truly available to all.

Congress or individual state legislatures may play a role in strengthening this neglected part of the law. At either the state or federal level, a strong statute that protects equal access to the public schools will do the following:

RECOMMENDATION #1:

Enact procedural protections for all American families to safeguard their access to public schools

We must guarantee every American child the **right to seek admission at any public school**. This simple procedural protection won't solve the problem of unequal access, but it will increase transparency. If a school denies a child enrollment, it should be required to provide a **formal letter of denial** to the family, including the **reason for denial**. In addition, if denied enrollment, families should have the **right to appeal to a neutral third party**, as they already do in 14 states. The state should establish (and advertise) a simple, anonymous process for citizens to report possible incidences of unfair enrollment practices.

For districts and schools, this would mean significant changes. Participation in open enrollment would **no longer be voluntary**, and every school would be required to accept applications from any student. Public schools would be **forbidden from charging tuition**, but a student's **public funding would follow that student across district boundaries**. If a school cannot accept all applicants due to a lack of capacity, the school would be **required to hold a lottery**. Such rules must apply to all public schools—traditional public schools, magnets, charters, and others.

RECOMMENDATION #2:

Require public schools to collect and report data on admissions and enrollment

In order to increase transparency and oversight, each individual public school should be **required to collect and report data on school access** to the state Department of Education. This would include:

- ▶ Physical capacity of the school
- ▶ Capacity of the school based on employed teaching personnel
- ▶ Number of applications
- ▶ Number of denials and reasons disaggregated by race and income
- ▶ Denial rate by reason type
- ▶ Number of students within zone/district vs. number of students outside of zone/district

Each state Department of Education should **make this data publicly available** in digital form. Schools that practice selective admissions based on academic excellence or specific competencies (e.g., performing arts) should be held to a higher standard of scrutiny, publishing data that allows the public to see what types of admissions screens they conduct and whether these are linked tightly to the skills necessary to succeed at the school.



Brown v. Board of Education National Historic Site Monroe Public School in Topeka, Kansas, was the basis of the Brown v. Board of Education 1954 U.S. Supreme Court decision on segregation schools. The Court ruled that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality.

Photo: Wikimedia Commons

RECOMMENDATION #3:

Reduce importance of geography and exclusionary maps

None of the above reforms will directly address the problem of educational redlining and the exclusionary maps that dominate the enrollment policies of our K-12 schools. States must pass reforms that reduce the ability of local school boards and/or district staff to use educational boundaries in order to preserve privileged access for certain political constituencies.

There are reasonable ways that we can **move toward a less exclusionary system** while minimizing the disruption to the current system. Specifically, three reforms hold promise to open up the most coveted schools to more students:

1. Every public school should be required to reserve at least 15% of seats for kids who live outside of the zone or district.

If the school receives a surplus of applications for these seats, the school should be required to hold a lottery to determine which applicants will be allowed to enroll. Such a requirement would affect a relatively small number of schools, since most schools have excess capacity. However, it is the best and most coveted public schools that have been excluding outsiders based on capacity, so such a requirement could have a dramatic impact on educational opportunity in a state.

2. States should decriminalize address sharing, a common practice in K-12 education and one that is very selectively enforced. Many states maintain systems of threatening, fining, prosecuting, and even jailing parents who make efforts (such as using a relative's address) to become eligible as residents. Available to All has published a separate [report](#) on these statutes.

3. States should require every school to provide an equal opportunity at enrollment to any child who lives within a three-mile radius of the school. Such a reform would eliminate the power of the district to engage in educational gerrymandering, drawing exclusionary maps and turning away students who live on the wrong side of an arbitrary line.

Such laws could go a long way to restoring the public's trust in the K-12 public schools and upholding Justice Warren's promise that the public schools will be "available to all on equal terms."



Arizona mom Karrie was devastated to learn that the school district could legally tell her son Brayden that he couldn't come back for second grade because of his disability. Their new home was "just slightly outside" the boundaries of the school district.

News Tampa Hwy Video Weather On Your Side

News Channel 8

HILLSBOROUGH COUNTY

Hundreds attend Plant High School meeting to protest proposed Hillsborough school redistricting

By Justin Schecker
Published: Jan 13, 2023 / 10:09 PM EST
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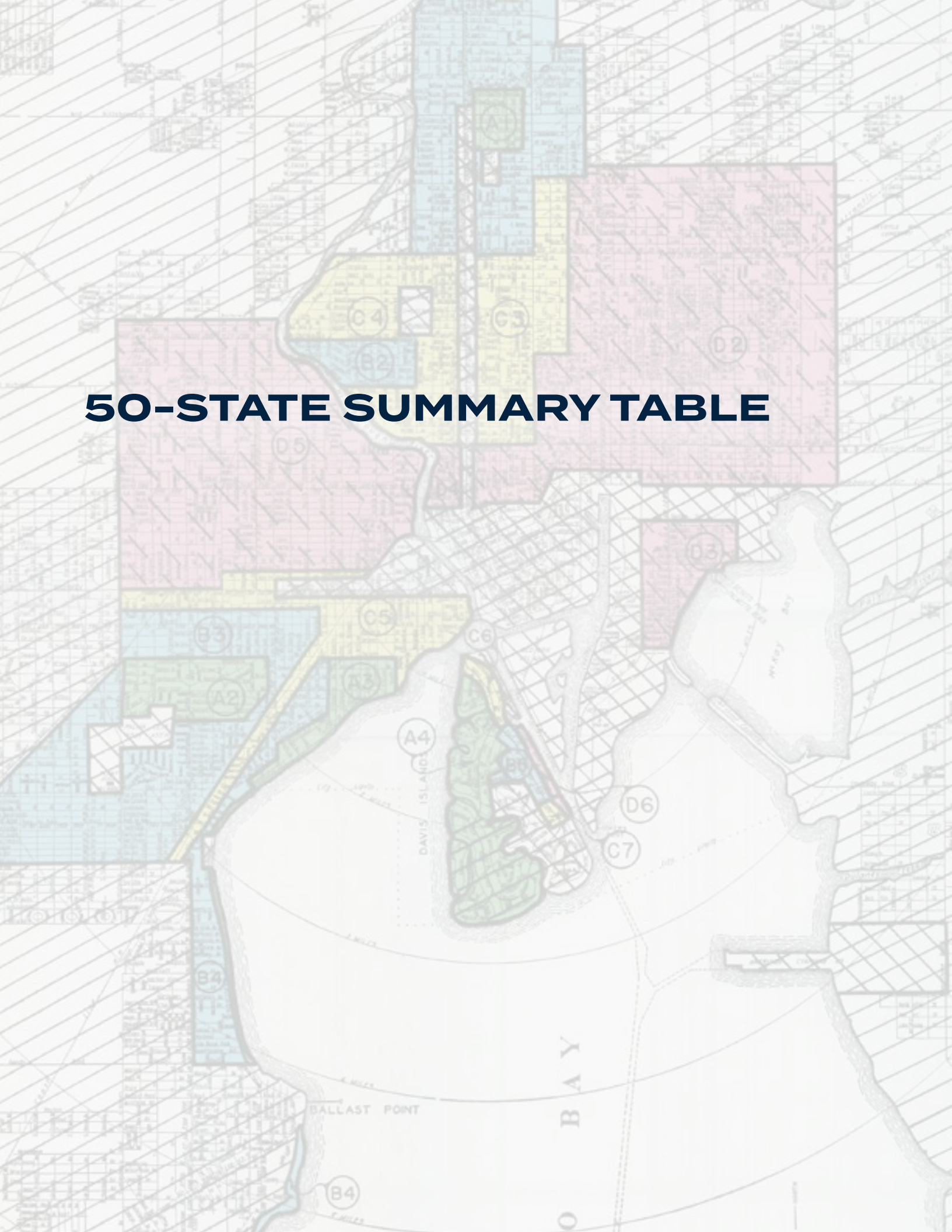
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Affluent suburb rejects plan to take students from Norwalk

Published 10:47 AM PDT, February 2, 2022

DARLEN, Conn. (AP) — A school board in an affluent Connecticut suburb has rejected a school choice plan that would have had it take in 16 students from the city of Norwalk.

50-STATE SUMMARY TABLE



Indicator**A. Statewide laws**

A1. The state constitution protects an individual student’s right to access	YES	0
	ARGUABLY	25
	NO	26

A2. General state statutes exist governing admissions for all public schools	YES	8
	NO	43

B. Laws governing traditional public school enrollment

B1. State law delegates power to districts to determine which schools students will attend	NO	2
	YES	49

B2. School assignment is based on residence in a geographic zone	NO MENTION	2
	PROHIBITS	0
	ALLOWS	44
	SOMETIMES REQUIRES	1
	REQUIRES	4

B3. The state criminalizes address sharing	NO	1
	MAYBE	26
	YES	24

B4. There is an appeals process for families unhappy with their traditional public school assignment	YES	6
	SOMETIMES	0
	NO	45

C. Laws governing within-district open enrollment

C1. State law addresses within-district open enrollment	YES	29
	NO	22

C2. Districts are required to offer within-district open enrollment	ALL	17
	SOME	4
	NONE	8
	N/A	22

C3. State requires schools/districts to reserve capacity for nonresident students	YES	0
	NO	29
	N/A	22

C4. Families can access a school without the approval of their “home school”	ALWAYS	21
	SOMETIMES	4
	NEVER	4
	N/A	22

C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats	YES	8
	NO	21
	N/A	22

C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school	YES	7
	SOMETIMES	2
	NO	21
	N/A	21

Indicator**D. Laws governing cross-district open enrollment**

D1. State law addresses cross-district open enrollment	YES	45
	NO	4
	N/A	2
D2. Districts are required to participate in cross-district open enrollment	ALL	20
	SOME	8
	NONE	17
	N/A	6
D3. State requires schools/districts to reserve capacity for nonresident students	YES	0
	SOMETIMES	1
	NO	44
	N/A	6
D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints	NO	14
	YES	31
	N/A	6
D5. Families can access a school regardless of whether their “home district” approves	ALWAYS	21
	SOMETIMES	11
	NEVER	13
	N/A	6
D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats	YES	15
	SOME	2
	NO	28
	N/A	6
D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a nonresident district	YES	14
	SOMETIMES	8
	NO	23
	N/A	6
D8. Cross-district open enrollment is tuition-free for families	ALWAYS OR NO MENTION	28
	NO MENTION	2
	SOMETIMES	12
	NEVER	3
	N/A	6

E. Laws governing charter school enrollment

E1. Charter schools are required to enforce existing attendance zones	NONE	0
	SOME	4
	CONVERSIONS ONLY	15
	ALL	27
	N/A	5
E2. Charter schools may have selective admissions policies	PROHIBITS	21
	ALLOWS W/ RESTRICTIONS	1
	ALLOWS	6
	NO MENTION	19
	N/A	4

Indicator**E. Laws governing charter school enrollment [cont.]**

E3. Charters may or must establish enrollment preferences or priorities	PROHIBITS	0
	ALLOWS	17
	NO MENTION	5
	REQUIRES & ALLOWS	19
	REQUIRES	6
	N/A	4

E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats	YES	43
	YES W/ EXCEPTION	1
	NO	3
	N/A	4

F. Laws governing magnet school enrollment

F1. State law addresses magnet school admissions	YES	5
	NO	44
	N/A	2

F2. Magnet schools may have selective admissions	PROHIBITS	0
	ALLOWS W/ RESTRICTIONS	0
	ALLOWS	1
	NO MENTION	4
	N/A	46

Methodology

This report seeks to answer the question, *To what extent is an individual student's right to access any specific public school protected by state laws?* We reviewed each state's education laws (constitutions, statutes, and significant court rulings) to classify them on 24 indicators grouped into six categories, described in detail in Table 1 below.

Note that we did not review additional materials, such as board or administrative rules or guidance documents. In cases where state law is silent or ambiguous, we acknowledge that the state board of education, state education agency, or school district may have created guidance or regulatory language. Those materials are not contemplated in this analysis.

After classifying each state's law within each indicator, we used a green-yellow-red color-coding system to denote whether a state's approach to that indicator protects or hinders students' right to equal access. A green rating means the state's approach to that indicator helps protect students' right to access public schools, while a red rating means the state's approach to that indicator hinders students' right to access public schools. A yellow rating means the state's approach neither fully protects nor fully hinders students' right to access public schools. Because each indicator has a distinct set of classification options with context-specific significance, the ratings are not comparable across indicators. For example, if a state receives a "yes" on indicator B1 (*State law delegates power to districts to determine which schools students will attend; see Table 1*), that is rated as red because giving districts power to assign students to schools hinders students' ability to access a different public school. On the other hand, if a state receives a "yes" on indicator B4 (*There is an appeals process for families unhappy with their traditional public school assignment; see Table 1*), that is rated as green, because requiring districts to establish a process for families to appeal a denied open enrollment application establishes transparency in the process and helps protect students' right to access public schools. Note that where state laws are classified with "no mention," that simply means that a state's statute is silent on that indicator. Where that may be ambiguous, we did not attempt to interpret that silence.

Table 1 provides the classification options and an explanation of which is rated green (helping to protect students' access).

Table 1. Indicator classifications and color-coded rating

Indicator	Classification Options	Rationale for “green” rating
A. Statewide laws		
A1. The state constitution protects an individual student’s right to access*	Yes / Arguably / No	Yes: The state constitution has language that could be interpreted to explicitly protect a student’s right to access public schools. This sets an important precedent for state law to protect the right to access.
A2. General state statutes exist governing admissions for all public schools	Yes / No	Yes: Statewide statutes governing admissions processes for all public schools ensures all public schools are held to a consistent standard.
B. Laws governing traditional public school enrollment		
B1. State law delegates power to districts to determine which schools students will attend	Yes / No	No: In order for a student’s right to access to be protected, districts cannot have explicit power to assign students to schools.
B2. School assignment is based on residence in a geographic zone	Allows / Requires / Sometimes requires / Prohibits / No mention	Prohibits: Prohibiting school assignment based on geography helps protect students’ right to access public schools.
B3. The state criminalizes address sharing	Yes / Maybe / No	No: Criminalizing address sharing is a major barrier to access.
B4. There is an appeals process for families unhappy with their traditional public school assignment	Yes/ Sometimes/ No	Yes: An appeals process for families helps protect a student’s right to access public schools.

Table 1 [cont.]. Indicator classifications and color-coded rating

Indicator	Classification Options	Rationale for “green” rating
C. Laws governing within-district open enrollment		
C1. State law addresses within-district open enrollment	Yes/ No	Yes: State law addressing within-district open enrollment creates a process for students to access other schools within their district of residence and helps protect a student’s right to access public schools.
C2. Districts are required to offer within-district open enrollment	All/ Some/ None	All: Requiring all districts to offer within-district open enrollment helps protect a student’s right to access public schools within their district of residence.
C3. State requires schools/districts to reserve capacity for nonresident students	Yes / No	Yes: In order to protect access to schools for nonresident students via open enrollment, districts must be required to reserve capacity for them.
C4. Families can access a school without the approval of their “home school”	Always/ Sometimes/ Never	Prohibits: Prohibiting school assignment based on geography helps protect students’ right to access public schools.
C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats	Yes/ No	Yes: Holding a lottery ensures equal access to public schools when demand exceeds capacity.
C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school	Yes/ No	Yes: An appeals process holds schools accountable for denials and supports students in accessing public schools.

Table 1 [cont.]. Indicator classifications and color-coded rating

Indicator	Classification Options	Rationale for “green” rating
D. Laws governing cross-district open enrollment		
D1. State law addresses cross-district open enrollment	Yes / No	Yes: State law addressing cross-district open enrollment creates a process for students to access other schools outside of their district of residence and helps protect a student’s right to access public schools.
D2. Districts are required to participate in cross-district open enrollment	All/ Some/ None	All: Requiring all districts to offer cross-district open enrollment helps protect a student’s right to access public schools outside of their district of residence.
D3. State requires schools/districts to reserve capacity for non-resident students	Yes / No	Yes: In order to protect access to schools for nonresident students via open enrollment, districts must be required to reserve capacity for them.
D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints	Yes/ No/ No mention	No: Schools cannot deny enrollment to in-boundary students with disabilities because of capacity; thus they should not be able to deny open enrollment applications of students with disabilities because of capacity. Explicit prohibition of this in law ensures that districts must document a student’s specific needs and the school’s capacity constraints before denying enrollment to a child with an IEP.
D5. Families can access a school regardless of whether their “home district” approves	Yes / Maybe / No	Always: To protect a student’s right to access public schools, they must be able to access a different public school without permission from their assigned district.

Table 1 [cont.]. Indicator classifications and color-coded rating

Indicator	Classification Options	Rationale for “green” rating
D. Laws governing cross-district open enrollment [cont.]		
D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats	Yes/ No	Yes: Holding a lottery ensures equal access to public schools when demand exceeds capacity.
D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a nonresident district	Yes/ Sometimes/ No	Yes: An appeals process holds schools accountable for denials and supports students in accessing public schools.
D8. Cross-district open enrollment is tuition-free for families	Always/ Sometimes/ Never/ No mention	Always: Providing cross-district open enrollment free of charge to families supports access.
E. Laws governing charter school enrollment		
E1. Charter schools are required to enforce existing attendance zones	All/ Some/ Conversions only/ None	None: In order to protect students’ right to access, charter schools must be free to accept any student who applies.
E2. Charter schools may have selective admissions policies	Allows/ Allows with Restrictions/ Prohibits/ No mention	Allows with Restrictions or Prohibits: In order to protect students’ right to access, charter schools cannot have admissions policies that prioritize one student over another.
E3. Charters may or must establish enrollment preferences or priorities	Always/ Sometimes/ Never/ No mention	Prohibits: In order to protect students’ right to access, charter schools should minimize enrollment preferences that prioritize one student over another.
E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats	Always/ Sometimes/ Never/ No mention	Always: Holding a lottery ensures equal access to public schools when demand exceeds capacity.

Table 1 [cont.]. Indicator classifications and color-coded rating

Indicator	Classification Options	Rationale for “green” rating
F. Laws governing magnet school enrollment		
F1. State law addresses magnet school admissions	Yes/ No	Yes: State law addressing magnet school admissions helps ensure admissions requirements are clear to families, which helps protect students’ right to access.
F2. Magnet schools may have selective admissions	Allows/ Allows with Restrictions/ Prohibits/ No mention	Allows with Restrictions or Prohibits: In order to protect students’ right to access, magnet schools should minimize admissions policies that prioritize one student over another.

** For indicator A1, a “yes” classification indicates that the state constitution or the state’s Supreme Court holdings explicitly protect an individual student’s right to access any public school. No states are classified as “yes” on this indicator, because, to our knowledge, the state courts have not yet been presented with this question.*

A classification of “arguably” indicates that a) the state constitution has language that could be interpreted to protect an individual’s right to access (e.g., public schools are “open to all”; language around providing schools for “all”; language promising “equality of educational opportunity”) and/or b) the constitution (via text or state Supreme Court holding) protects education as a fundamental right.

A classification of “no” indicates none of the green or yellow criteria is true. Most commonly, these are states where the constitution calls only for the legislature to establish and maintain a public school system.

States have adopted laws, known as “implementing statutes,” that largely mirror certain federal laws that protect certain classes of students ([see p.29](#)) and/or that closely follow the requirements of federal funding opportunities, which has resulted in a great degree of uniformity in state laws governing access for these subgroups. Because of this uniformity and because of their quasi-mandatory nature, we do not include laws of this type in our analysis.

We also considered—and ultimately decided to exclude from our analysis—a set of topics that are deeply interwoven with the issue of access but that are complex enough to merit their own, separate analyses (which we do not attempt to undertake here). The first such topic is state approaches to desegregation as they relate to access to public schools. A number of states have districts with active desegregation orders in place, and many state laws related to open enrollment make explicit exceptions for districts when enrolling a student would violate an existing desegregation order or plan. There is important historical context in each state—and each district—related to school segregation and subsequent desegregation efforts, but we do not attempt to untangle that history nor its impact on broad questions of protecting student access.

The second topic we excluded from the analysis is school discipline. School discipline often includes the removal of students from schools for a period of time, and sometimes permanently. Students who are expelled from a school or district often have few options available to them, with many state laws allowing districts to deny enrollment to students expelled from other districts. This is a critically important topic for certain students and families, but it is not one we cover in this report.

Finally, we excluded from this analysis the topic of selective public schools – those that require a certain score on a test and/or an audition to qualify for enrollment. These schools, often designated as “magnet schools” even if they make no attempt to reduce racial divisions in the schools. More needs to be written about these schools, but we did not attempt to capture them in our review of state laws.

For each state or jurisdiction, we conducted a direct review of relevant statutes that we could find. In addition, we also consulted the following key sources: (1) [A Fine Line: How Most American Kids Are Kept Out of the Best Public Schools](#) by Tim DeRoche (Los Angeles: Redtail Press, 2020), (2) [State Laws on Weighted Lotteries and Enrollment Practices](#) written by Lauren E. Baum and published by the National Alliance for Public Charter Schools in 2014, and (3) [Public Schools Without Boundaries](#) by Jude Schwalbach and published by the Reason Foundation in 2023.

Wherever possible, the information in the state profiles was reviewed and confirmed by a state Department of Education official involved in enrollment policies or open enrollment. Thirteen states responded to our request for review: Arkansas, Connecticut, Idaho, Iowa, Maine, Missouri, New York, North Dakota, Ohio, Oregon, Utah, Virginia, and West Virginia.

Federal Law

It is important to locate state laws within the federal context. The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution states that the United States shall not “deny to any person within its jurisdiction the equal protection of the laws.”¹ This was the basis for the Supreme Court’s ruling in *Brown*, and the courts have used this clause to prohibit discrimination not only on the basis of race but also on the basis of other “suspect classifications,” namely religion, national origin, and alienage.²

In the current environment, however, school assignment schemes based on geography or income level would likely not be vulnerable to challenge under federal law. This is because the courts apply a deferential standard called the “rational basis test” to evaluate government discrimination that (1) is not based on a “suspect classification” and (2) does not implicate a “fundamental right.” Geography and income level are not regarded as suspect classifications, and the courts have ruled that education is not a fundamental right under the Constitution. So even the most egregious examples of injustice based on residential address or income level are unlikely to violate the Court’s current understanding of the Equal Protection Clause.

A relevant federal statute is the Equal Educational Opportunities Act (EEOA) of 1974 – a set of federal laws that prohibit discrimination in schools on the basis of race, color, sex, or national origin.³ This law goes one step further to legitimize geographic discrimination, stating, “... the neighborhood is the appropriate basis for determining public school assignment.”⁴ Neighborhood boundaries have long been the default method of assigning students to schools;⁵ however having that approach solidified in law as the “appropriate basis” for assigning students to schools makes it even more difficult to challenge geographic assignment as a violation of federal law.

However, the EEOA does put strong limits on how districts draw these attendance zone lines, forbidding “the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin.” It is likely that the attendance zones of many coveted inner-city elementary schools violate this provision of the EEOA.⁶

It is also important to note that federal law defines a charter school (among other requirements) as a school that “admits students on the basis of a lottery ... if more students apply for admission than can be accommodated.”⁷ And federal law further clarifies that a charter school may “use a weighted lottery to give slightly better chances for admission to all, or a subset of, educationally disadvantaged students.”⁸ This law would seem to suggest that a charter school that did not comply with the language, even if it was in compliance with state requirements of charter schools, might not be eligible for federal charter school funding. There appear to be no similar constraints on magnet school enrollment policies.

Beyond these laws are a series of other specific federal education statutes, funding streams, and other activities that govern access to public schools for certain subgroups of students, including (but not limited to):

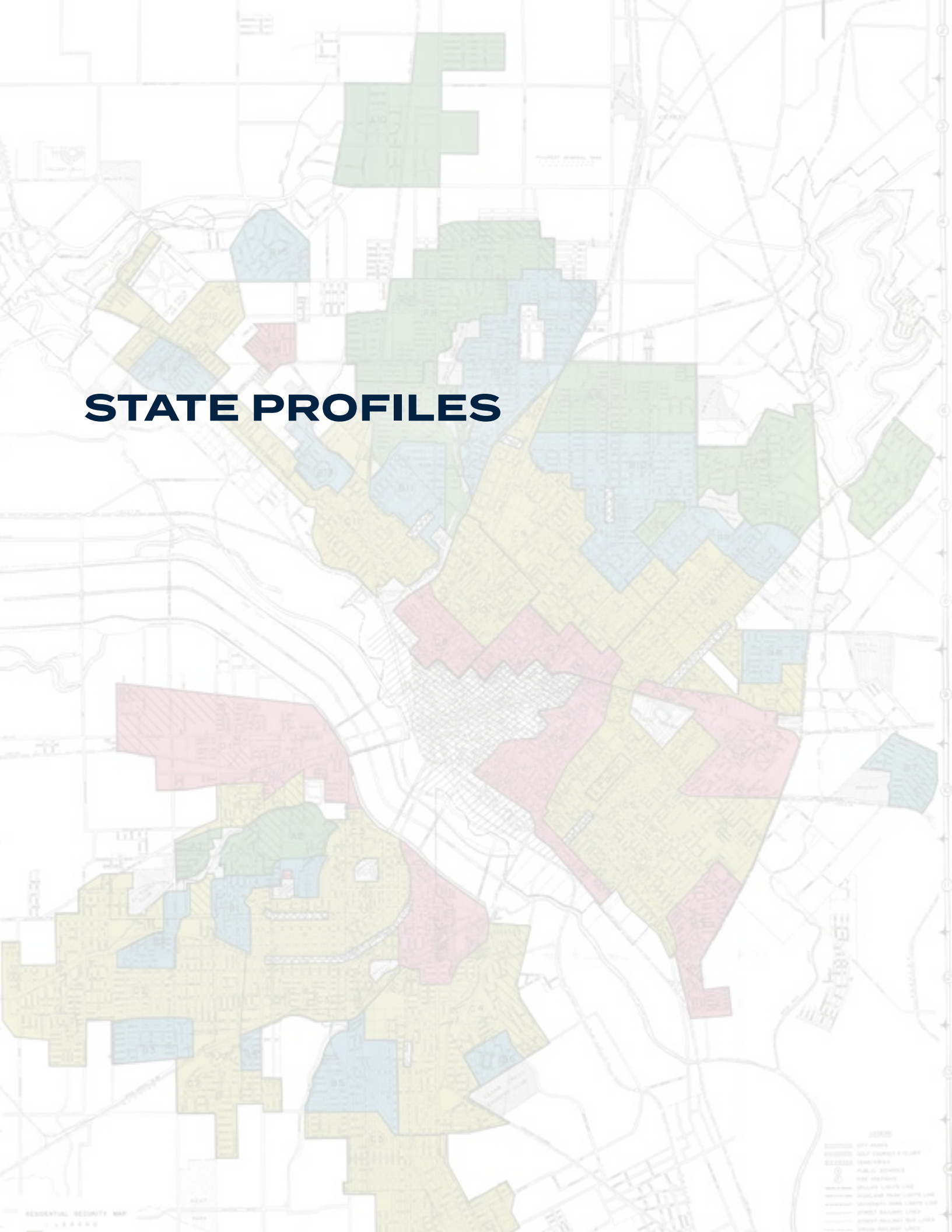
- ▶ **Students who are homeless:** The federal McKinney-Vento Act provides rights and services to children and youth experiencing homelessness, including requiring students to remain at their “school of origin” throughout their homelessness, regardless of whether they move outside of district boundaries.⁹
- ▶ **Students who are in foster care:** The Fostering Connections to Success and Increasing Adoptions Act of 2008 includes provisions to increase educational stability by allowing students to remain at their school of origin even if a new foster care placement moves them out of the school or district boundaries.¹⁰ The Every Student Succeeds Act (ESSA) of 2015 includes similar “school of origin” protections.¹¹
- ▶ **Students who are incarcerated:** ESSA also requires states to establish procedures to ensure timely re-enrollment of students released from secure facilities.¹²
- ▶ **Students in migrant families:** ESSA reauthorized the Migrant Education Program, which provides funding to states to develop and implement programs to support the education of migratory children both within states and across state lines.¹³
- ▶ **Students in military families:** An interstate compact coordinated by the Department of Defense and signed by all 50 states and the District of Columbia details efforts to mitigate the effect of frequent change in school enrollment on military families.¹⁴
- ▶ **Students attending “persistently dangerous” schools:** ESSA requires each state that receives Title I funds to establish and implement a policy that provides students attending “persistently dangerous” schools, or students who are victims of a violent criminal offense while on school grounds, to transfer to a safe school within the district.¹⁵
- ▶ **Students with disabilities:** The Individuals with Disabilities Education Act (IDEA) establishes requirements for serving students with disabilities, including provisions regarding the “least restrictive environment” and assuring a “free and appropriate public education (FAPE),” one or both of which may interact with students’ ability to access schools.¹⁶ (Note that indicator D4 in Table 1 looks only at whether states have policies in place to allow schools to reject open enrollment applications from students with disabilities if the school lacks capacity in the programming necessary to educate the student in accordance with their individualized education program.)

States have adopted laws, known as “implementing statutes,” that largely mirror these federal laws and/or that closely follow the requirements of federal funding opportunities, which has resulted in a great degree of uniformity in state laws governing access for these subgroups. Because of this uniformity and because of their quasi-mandatory nature, we do not include laws of this type in our analysis. However, these laws typically provide highly targeted protections, and these students are often still excluded from coveted public schools with no recourse under the law.

Endnotes

- ¹ “Fourteenth Amendment,” Constitution Annotated, <https://constitution.congress.gov/browse/amendment-14/section-1/>
- ² “Suspect Classification,” Cornell Law School Legal Information Institute, https://www.law.cornell.edu/wex/suspect_classification
- ³ <https://www.congress.gov/bill/93rd-congress/house-bill/40#:~:text=Equal%20Educational%20Opportunities%20Act%20%2D%20Declares,basis%20for%20determining%20public%20school>
- ⁴ <https://www.congress.gov/bill/93rd-congress/house-bill/40#:~:text=Equal%20Educational%20Opportunities%20Act%20%2D%20Declares,basis%20for%20determining%20public%20school>
- ⁵ Weinberg, “Race and Place: A Legal History of the Neighborhood School.” <https://files.eric.ed.gov/fulltext/ED023751.pdf>
- ⁶ Tim DeRoche, “Public-School Attendance Zones Violate a Civil Rights Law,” Education Next, updated May 14, 2020, <https://www.educationnext.org/public-school-attendance-zones-violate-civil-rights-law-equal-educational-opportunities-act-a-fine-line/>
- ⁷ [https://uscode.house.gov/view.xhtml?req=\(title:20%20section:7221i%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:20%20section:7221i%20edition:prelim))
- ⁸ [https://uscode.house.gov/view.xhtml?req=\(title:20%20section:7221b%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:20%20section:7221b%20edition:prelim))
- ⁹ <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>
- ¹⁰ <https://www.govinfo.gov/content/pkg/PLAW-110publ351/pdf/PLAW-110publ351.pdf> sec 204
- ¹¹ <https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>
- ¹² <https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>
- ¹³ “Results,” Migrant Education Program. <https://results.ed.gov/>
- ¹⁴ “The Military Interstate Compact,” Department of Defense Education Activity. <https://www.dodea.edu/education/partnership-and-resources/military-interstate-compact>
- ¹⁵ <https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>
- ¹⁶ <https://sites.ed.gov/idea/statute-chapter-33>

STATE PROFILES



ALABAMA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **NO**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **YES**
- ▶ B3. The state criminalizes address sharing **ALLOWS**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **NO**
- ▶ D2. Districts are required to participate in cross-district open enrollment **N/A**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **N/A**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Alabama's state constitution explicitly states that access to education is not a right: "Nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense."¹

There are no general state statutes governing admissions for all public schools

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **NO**
students will attend
- B2. School assignment is based on residence in a geographic zone **YES**
- B3. The state criminalizes address sharing **ALLOWS**
- B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

Alabama organizes its public schools into both "county" and "city" systems. State law gives county boards of education explicit power to determine the boundaries of attendance districts, stating, "The county board of education shall, upon the recommendation of the county superintendent of education, arrange the county into one or more appropriate and convenient compulsory school attendance districts, shall keep full and complete records of the boundaries thereof and shall see to it that the compulsory attendance law is enforced."²

City boards of education have power "to establish and maintain a system of public schools... for the benefit of children who are bona fide residents of and living within the corporate limits of such city."³

The state criminalizes address sharing⁴, and there is no mention in state law of an appeals process for families unhappy with their traditional public school assignment..

¹ Article XIV sec 256: <https://alison.legislature.state.al.us/constitution>

² Alabama Code Section 16-8-34 <https://law.justia.com/codes/alabama/2022/title-16/chapter-8/section-16-8-34/>

³ <https://law.justia.com/codes/alabama/2022/title-16/chapter-11/section-16-11-16/>

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>.

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in in a district school

Within-district open enrollment is only allowed in Alabama for students who are “enrolled in or assigned to a failing school.”⁵ In that case, the state makes an income tax credit available to the family to “help offset the cost of transferring the student to a non-failing public school.”⁶ State law makes no other mention of within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **NO**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **N/A**

Cross-district open enrollment is only allowed in Alabama for students who are “enrolled in or assigned to a failing school.”⁷ In that case, the state makes an income tax credit available to the family to “help offset the cost of transferring the student to a nonfailing public school.”⁸ State law makes no other mention of cross-district open enrollment.

⁵ <https://law.justia.com/codes/alabama/2022/title-16/chapter-6d/section-16-6d-8/>

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Alabama charter schools must be open to any student residing in the state and must use a “random selection process” to enroll students if demand surpasses capacity.⁹ Conversion charter schools must give preference to students who reside in the former public school’s attendance area.¹⁰ All charters must give preference to siblings of current students and may give preference to children of the school’s founders, governing board members, and full-time employees, as long as they do not compose more than 10% of the school’s enrollment. Charter schools “shall not limit admission based on... academic or athletic ability.”¹¹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁹ <https://law.justia.com/codes/alabama/2022/title-16/chapter-6f/section-16-6f-5/>

¹⁰ § 16-6F-5(a)(7)

¹¹ <https://law.justia.com/codes/alabama/2022/title-16/chapter-6f/section-16-6f-5/>

ALASKA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **NO**
- ▶ D2. Districts are required to participate in cross-district open enrollment **N/A**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students . . . **N/A**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **N/A**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Alaska's constitution states, "The legislature shall by general law establish and maintain a system of public schools open to all children of the State."¹ The language "open to all children of the State" could arguably be used to protect an individual student's right to access, but to our knowledge the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Alaska state law directs each district to "provide for, during the school term of each year, an educational program for each school age child who is enrolled in or a resident of the district."² The default rule is that each child "shall attend school at the public school in the district in which the child resides."³ In part because of a history of abusive use of residential schools with Alaska native children, regulations now provide that every "child of school age has the right to a public education in the local community" and "[n]either the department nor a district may require a child of school age to live away from the local community in which the child resides to obtain an education."⁴ Boards are permitted to "establish attendance areas without respect to district lines."⁵ The commissioner of education may assign a student from one district to another when "the best interests of the state will be served."⁶

There is no mention in Alaska law about an appeals process if families are unhappy with their district school assignment; however, *districts* can appeal a commissioner's decision to assign a student to a district they do not live in.⁷ The state does not explicitly criminalize or decriminalize address sharing.⁸

¹ <https://t.gov.alaska.gov/information/alaskas-constitution/>

² [Alaska Stat. § 14.14.090.](#)

³ *Id* at § 14.30.010(a). An exception to compulsory attendance is allowed for a student who lives more than two miles from the nearest public school or bus route. This exception in turn does not apply if the child is eligible and able to attend a "federal" or "private" school within a two-mile zone from their home. *Id* at § 14.30.010(b)(7)

⁴ [Alaska C. Reg. § 05.030.](#)

⁵ *Id* at § 06.027(a).

⁶ *Id* at § 06.027(b).

⁷ *Id* at § 06.027(b).

⁸ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>.

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school **N/A**

Open enrollment is only allowed in Alaska for students attending persistently dangerous schools, as required by federal law.⁹ State law makes no other mention of within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **NO**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **N/A**
- D5. Families can access a school regardless of whether their “home district” approves **N/A**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **N/A**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **N/A**
- D8. Cross-district open enrollment is tuition-free for families **N/A**

Open enrollment is only allowed in Alaska for students attending persistently dangerous schools, as required by federal law.¹⁰ State law makes no other mention of cross-district open enrollment.

⁹ https://education.alaska.gov/tls/safeschools/Docs/4_AAC_06.200_06.250.pdf.

¹⁰ Ibid.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **ALLOWS**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Alaska’s charter school law makes no mention of using attendance zones as a basis for enrollment, but it requires use of a “random drawing” when demand exceeds capacity.¹¹ State law allows charter schools to designate their program to serve “students who would benefit from a particular teaching method or curriculum”¹² and does not explicitly prohibit the use of selective admissions. The law makes no mention of enrollment preferences.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

¹¹<https://law.justia.com/codes/alaska/2022/title-14/chapter-03/article-2/section-14-03-265/>

¹²Ibid.

ARIZONA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Arizona's constitution states, "The legislature shall provide for a system of common schools by which a free school... shall be open to all pupils between the ages of six and twenty-one years."¹ The language "open to all pupils" could arguably be used to protect an individual student's right to access. Moreover, in *Shofstall v. Hollins* (1973), the Arizona State Supreme Court ruled education to be a fundamental right.²

There are no general statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Arizona schools are required to admit children "who reside in the school district,"³ and school districts have the power to "prescribe and enforce policies and procedures regarding changing or adopting attendance boundaries."⁴ In doing so, however, districts cannot use attendance boundaries "to require students to attend certain schools based on the student's place of residence."⁵

The law makes no mention of an appeals process for families unhappy with their school assignment, nor does it explicitly criminalize or decriminalize address sharing.⁶

¹ <https://www.azleg.gov/viewDocument?docName=https://www.azleg.gov/const/11/6.htm>

² Trish Brennan-Gac, "Educational Rights in the States," American Bar Association, April 1, 2014, https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_2_civil_rights/educational_rights_states/

³ <https://www.azleg.gov/viewdocument?docName=https://www.azleg.gov/ars/15/00821.htm>

⁴ <https://www.azleg.gov/ars/15/00341.htm> at 37

⁵ <https://www.azleg.gov/ars/15/00341.htm> at 46(J)

⁶ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, a is denied enrollment in in a district school **N/A**

State law requires all school districts to adopt an open enrollment policy that allows “resident transfer pupils to enroll in any school within the district.”⁷ Districts must prioritize resident pupils and then are allowed to give preference to certain categories of students (e.g., those in foster care, those whose siblings have transferred, etc.).⁸ Districts must establish an “equitable selection process such as a lottery” if “remaining capacity at a school... is insufficient to enroll all pupils who submit a timely request.”⁹ There is no requirement for schools to reserve capacity for out-of-boundary students. Moreover, there is no appeals process for denials.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **NO**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **N/A**
- D5. Families can access a school regardless of whether their “home district” approves **N/A**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **N/A**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **N/A**
- D8. Cross-district open enrollment is tuition-free for families **N/A**

The same law governing within-district open enrollment in Arizona also governs cross-district open enrollment. That law requires all school districts to adopt an open enrollment policy that allows “resident pupils to enroll in any school located within other districts in the [cont.→]

⁷ <https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F15%2F00816.htm>
⁸ <https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F15%2F00816-01.htm>
⁹ <https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F15%2F00816-01.htm>

state.”¹⁰ Districts must prioritize resident pupils and then are allowed to give preference to certain categories of students (e.g., those in foster care, those whose siblings have transferred, etc.).¹¹ Districts must establish an “equitable selection process such as a lottery” if “remaining capacity at a school... is insufficient to enroll all pupils who submit a timely request.”¹² There is no requirement for districts to reserve capacity for nonresident students, and there is no appeals process for denials. Cross-district open enrollment policies must be free of charge to families.¹³

State law prohibits districts from limiting enrollment through open enrollment due to disability status, except when specialized programs are at capacity.¹⁴ However, the federal Office for Civil Rights (OCR) found a capacity notice posted by a district (as required by state law) that its special education program was at capacity to be “[d]iscriminatory on its face.”¹³ OCR reasoned that the district’s notice took no account of the many students with disabilities who could be supported in inclusive or “mainstream” settings without need of any highly specialized program. Another Arizona district ran afoul of OCR by then establishing a blanket 10% limitation on enrollment of any student with a disability, regardless of setting.¹⁴ This district and OCR reached a resolution requiring individualized consideration of each student’s application for admission, “on a nondiscriminatory basis, subject to legitimate capacity concerns.”¹⁵

There are examples, however, of districts using claims of capacity constraints to deny open enrollment seats to children with disabilities, and the law does not provide for any process to verify the district’s claims.^{15 16}

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **ALLOWS**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

All Arizona charter schools “shall enroll all eligible pupils who submit a timely application.”¹⁷ Charter schools must give enrollment preference to returning students and to their siblings and may establish other enrollment preferences.¹⁸ If demand exceeds capacity, charter schools “shall select pupils through an equitable selection process such as a lottery.”¹⁹ There is no mention in state law of whether charter schools can have selective admissions.

¹⁰ <https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F15%2F00816.htm>

¹¹ <https://www.azleg.gov/viewdocument/?docName=https%3A%2F%2Fwww.azleg.gov%2Fars%2F15%2F00816-01.htm>

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Available to All, “Mom: You Can’t Turn Away a Child for Having a Disability,” Available2All YouTube channel, May 2023.

¹⁶ Available to All, “Student With Disability Denied Access to Open Enrollment After Assurances from School District,” Available2All YouTube channel, March 2023.

¹⁷ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00184.htm> (A)

¹⁸ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00184.htm> (B) and (D)

¹⁹ <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00184.htm> (E)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

ARKANSAS

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **SOME**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **YES**

The Arkansas constitution states, "The State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There is, however, a general statute governing admissions for all public schools. It states, "The public schools of any school district in this state shall be open and free through completion of the secondary program to all persons in this state between the ages of five (5) and twenty-one (21) years."²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Arkansas school districts have the catch-all authority to "[d]o all other things necessary and lawful for the conduct of efficient free public schools in the school district."³ School assignment is based on residence in a given school district's boundaries: "The public schools of any district in this state shall be open and free... to all persons in this state between five and twenty-one years of age whose parent... resides within the school district."⁴ There is no mention of an appeals process for families unhappy with their district school assignment. Arkansas criminalizes address sharing.⁵

¹ <https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=94b1dcd4-31a3-4d35-956e-03dc6ebc2d01&nodeid=AABAAQAAC&nodepath=%2FROOT%2FAAB%2FAABAAQ%2FAABAAQAAC&level=3&haschildren=&populated=false&title=%C2%A7%E2%80%821.+Free+school+system.&config=014BJAA0MzRkMWNhMC1jNWY1LTOzZDYtODVtNi03M2E0MmVmZGQyYmYKAFBvZENhdGFsb2eMqWVj4MQ4akpJISYI55E7B&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3Acontentitem%3A4VWV2-5J50-R03-T195-00008-00&ecomp=bgf5kkl&prid=6200acb1-ea56-4fdd-bfd3-7dfd7de49404>

² [https://law.justia.com/codes/arkansas/2010/title-6/subtitle-2/chapter-18/subchapter-2/6-18-202#:~:text=\(e\)%20\(1\)%20A,to%20attend%20the%20school%20district\(b\)\(1\)](https://law.justia.com/codes/arkansas/2010/title-6/subtitle-2/chapter-18/subchapter-2/6-18-202#:~:text=(e)%20(1)%20A,to%20attend%20the%20school%20district(b)(1))

³ Ark. Code Ann. § 6-13-620 (11).

⁴ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-202.html> (4)(b)(1)

⁵ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **SOME**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
a is denied enrollment in in a district school

Only school districts that are identified as in need of Level 5 – Intensive support and individual schools that receive a rating of “F” are required to participate in within-district open enrollment.⁶ There is no requirement for schools or districts to use a lottery if demand exceeds capacity, and no requirement for schools to reserve capacity for out-of-boundary students. Families may appeal an admission denial to the state board of education.⁷

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

All school districts are required to participate in cross-district open enrollment.⁸ However, districts are not required to reserve capacity for nonresident students and are allowed to reject transfer students due to “a claim of capacity... if the school district has [cont.→]

⁶ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-227.html>

⁷ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-227.html> (3)

⁸ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903/> (b)

reached at least ninety percent of the maximum authorized student population in a program class, grade level, or school building.”⁹ A cap on transfers equal to 3% of the receiving district’s enrollment was repealed by the 2023 LEARNS Act.¹⁰

Districts are prohibited from discriminating on the basis of disability.¹¹ While superintendents are required to inform the public of program availability,¹² there is no requirement for districts to use a lottery if demand exceeds capacity. Students whose applications are rejected “may request a hearing before the state board to reconsider the transfer.”¹³

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **ALLOWS**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

There are two types of charter schools established in Arkansas law: open enrollment charters and conversion charters.¹⁴ Each open enrollment charter school establishes its own enrollment criteria and selection process;¹⁵ however, the law requires the use of a “random, anonymous student selection method” if demand exceeds capacity.¹⁶ Open enrollment charter schools may establish enrollment preferences for children of founders and staff and siblings of current students.¹⁷ The law does not explicitly allow or prohibit charters from establishing selective admissions criteria.

Conversion charter schools are public district schools that apply to become charter schools. State law provides limited guidance for conversion charter schools but directs the State Board of Education to establish rules for them.¹⁸ The Arkansas Division of Elementary and Secondary Education states that conversion charter schools can only draw students from within the school district’s boundaries. Conversion charter schools are not required to use preexisting attendance zones, however.¹⁹

⁹ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903/> (2)(B)
¹⁰ <https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FBills%2F2023R%2FPublic%2FSB294.pdf>
¹¹ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903/> (3)
¹² <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1903/> (f)(1)
¹³ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-18-1907/> (b)(1)
¹⁴ Chapter 23, subchapters 2 and 3
¹⁵ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-23-306.html> 14(A)
¹⁶ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-23-306.html> (B)(i)(a)
¹⁷ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-23-306.html> (ii)(a-b)
¹⁸ <https://codes.findlaw.com/ar/title-6-education/ar-code-sect-6-23-206.html>
¹⁹ “Public Charter Schools,” Arkansas Division of Elementary & Secondary Education, <https://dese.ade.arkansas.gov/Offices/office-of-school-choice-and-parent-empowerment/charter-schools>

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

CALIFORNIA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **NO MENTION**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

The California constitution states, "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement."¹ There is no language in the state constitution that suggests it protects an individual student's right to access. That said, in *Serrano v. Priest (1971)*,² the California Supreme Court ruled that education is a "fundamental interest" of the state, which may imply that laws or policies that exclude children from public schools would be considered with "strict scrutiny" by the courts, but the courts have not yet been asked to weigh in on this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

California law gives school districts broad governing powers, stating "it is the intent of the Legislature to give school districts, county boards of education, and county superintendents of schools broad authority to carry on activities and programs."³ Moreover, California law requires students to attend school in the district in which they reside: "Each person subject to compulsory full-time education... shall attend the public full-time day school... of the school district in which the residency of either the parent or legal guardian is located..."⁴ The state criminalizes address sharing,⁵ and there is no appeals process for families unhappy with their traditional public school assignment.

¹ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=IX

² <https://caselaw.findlaw.com/court/ca-supreme-court/1827304.html>

³ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=3.&title=2.&part=21.&chapter=2.&article=4. 35160.1(b)

⁴ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=27.&chapter=2.&article=1.

⁵ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

California law requires all districts, “as a condition for the receipt of school apportionments from the State School Fund, [to] adopt rules and regulations establishing a policy of open enrollment within the district for residents of the district.”⁶ The law requires the use of a “random, unbiased process” to select students if demand exceeds capacity.⁷ Notably, while schools are not required to reserve capacity for out-of-boundary students, there are circumstances where enrollment may be allowed even if it means exceeding capacity limits.⁸ There is no appeals process for students who are denied enrollment

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **NO MENTION**

California has two programs through which students can access schools outside of their resident districts. The first is through an inter-district agreement in which two or more districts enter an agreement that provides “for the admission to a school district other than [cont. →]

⁶ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=3.&title=2.&part=21.&chapter=2.&article=4. 35160.5(b)(2)(A)

⁷ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=3.&title=2.&part=21.&chapter=2.&article=4. 35160.5(b)(2)(B)

⁸ 35160.5 (b)(3)(A)(i).

the school district of residence.”⁹ The law requires districts to give priority to students who have been victims of bullying.¹⁰ Districts that accept cross-district transfers must establish an “unbiased process” if demand exceeds capacity.¹¹ If a cross-district enrollment application is denied, families can appeal to the county board of education.¹²

California's second cross-district open enrollment program is the District of Choice program. School districts “may elect” to become a school district of choice and receive transfers from other school districts.¹³ Districts of choice may determine the number of transfer students they will accept, and they must use a “random drawing” to determine which students will be accepted if demand exceeds the number of transfer students a district has decided to accept.¹⁴ Though this interdistrict program does not require individualized permission from a district of residence, participating districts can set global limits on how many students depart for enrollment in another district.¹⁵ For districts with more than 50,000 students, the permitted limit is 1% of the number of enrolled students in any one year. For districts below that number, the limit is 3%, or a total of no more than 10% from all years combined.¹⁶ If enough students are seeking to leave a district to cause it financial distress, that can become grounds for some other “limit” on “the number of pupils who transfer out of the district in that fiscal year.”¹⁷ There is no mention of an appeals process for applicants denied enrollment under this program.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

E1. Charter schools are required to enforce existing attendance zones	CONVERSIONS ONLY
E2. Charter schools may have selective admissions policies	NO MENTION
E3. Charters may or must establish enrollment preferences or priorities	REQUIRES & ALLOWS
E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats	YES

Admission to new-start charter schools “shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian.”¹⁸ Existing public schools that convert to charter status, on the other hand, “shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.”¹⁹ However, charter schools are required to give preference to current students and to students residing in the school district. Charter schools may adopt other [cont.→]

⁹ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.&chapter=5.&article= (a)(1)
¹⁰ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.&chapter=5.&article= (b)
¹¹ § 46600 (d)(3)
¹² https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.&chapter=5.&article= 46600.2(b)
¹³ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=27.&chapter=2.&article= (a)(1)
¹⁴ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=27.&chapter=2.&article= (a)(2)
¹⁵ *Id* at § 48307(a).
¹⁶ *Id* at § 48307(b).
¹⁷ *Id* at § 48307(c) & (d).
¹⁸ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.8.&chapter=2.&article= (e)(1)
¹⁹ *Ibid*

preferences, such as siblings or children of founders or staff.²⁰ The law makes no mention of whether charter schools can establish selective admissions requirements. Charter schools must use a “random public drawing” to determine enrollment if demand exceeds capacity.²¹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

²⁰ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=26.8.&chapter=2.&article=47605 (e)(2)(B)

²¹ Ibid

COLORADO

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **NO**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **YES**

Colorado's constitution requires the general assembly to "provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously."¹ The language "all residents of the state between the ages of six and twenty-one years" could arguably be used to protect an individual student's right to access, but to our knowledge the state Supreme Court has not yet considered this question.

In addition, Colorado law requires that "every public school shall be open for the admission of all children between the ages of five and twenty-one years."²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Colorado's public school districts are "open for the admission of all children... residing in that district..."³ and districts are given the power to "fix the attendance boundaries of each school in the district."⁴ There is no mention of an appeals process for families unhappy with their traditional public school assignment. State law does not explicitly criminalize or decriminalize address sharing.⁵

¹ <https://law.justia.com/constitution/colorado/cnart9.html>

² [https://codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-1-102/#:~:text=\(1\)%2520Every%2520public%2520school%2520shall.without%2520the%2520payme%2520of%2520tuition.\(1\)](https://codes.findlaw.com/co/title-22-education/co-rev-st-sect-22-1-102/#:~:text=(1)%2520Every%2520public%2520school%2520shall.without%2520the%2520payme%2520of%2520tuition.(1))

³ Colo. Rev. Stat. § 22-1-102 (1)

⁴ § 22-32-110 (1)(m)

⁵ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

All Colorado school districts must participate in within-district open enrollment, with state law directing each district to allow "its resident pupils... to enroll in particular programs or schools within such school district."⁶ There are several reasons outlined in state law for which a district can deny enrollment, and schools are not required to reserve capacity for out-of-boundary students.⁷ There is no mention in state law of an appeals process for applicants who are denied enrollment, and no requirement for a lottery if demand exceeds capacity.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

All Colorado school districts are also required to participate in cross-district open enrollment: "Every school district... shall allow... nonresident pupils from other school districts within the state... to enroll in particular programs or schools within such school district without requiring the nonresident pupils to pay tuition."⁸ Districts are not required to reserve capacity for nonresident students, and they can deny cross-district open enrollment based on [cont. →]

⁶ § 22-32-110(1)(m)

⁷ § 22-36-101(1)(a)

capacity. Moreover, state law explicitly allows districts to turn away students with disabilities based on capacity constraints: “Any school district may deny any... nonresident pupils... to enroll in particular programs or schools... [if] the school requested... is not structured or equipped with the necessary facilities to meet special needs of the pupil.”⁹

There is no mention in state law of an appeals process for denials, and no requirement to hold a lottery if demand exceeds capacity.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **NO**

Colorado charter schools are not required to enforce existing attendance zones; however, state law requires charter schools to serve a majority of students residing in the authorizing district or in nearby districts: “A charter school applicant cannot apply to, or enter into a charter contract with, a school district unless a majority of the charter school’s pupils, other than online pupils, will reside in the chartering school district or in school districts contiguous thereto.”¹⁰

State law requires enrollment decisions to be made in a “nondiscriminatory manner” but does not require a lottery or other random process.¹¹ State law makes no mention of whether charter schools can have selective admissions or whether they can or must establish enrollment preferences.¹²

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.:

⁸ <https://law.justia.com/codes/colorado/2022/title-22/article-36/section-22-36-101/> (1)(b)

⁹ <https://law.justia.com/codes/colorado/2022/title-22/article-36/section-22-36-101/> (3)(b)

¹⁰ <https://law.justia.com/codes/colorado/2022/title-22/article-30-5/part-1/section-22-30-5-104/> (2)(a)

¹¹ <https://law.justia.com/codes/colorado/2022/title-22/article-30-5/part-1/section-22-30-5-104/> (3)(a)

¹² <https://law.justia.com/codes/colorado/2022/title-22/article-30-5/part-1/section-22-30-5-104/>

CONNECTICUT

A. Statewide laws

- ▶ A1. The state constitution protects an individual student's right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **NO**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their "home school" **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES W/ EXCEPTION**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **YES**
- ▶ F2. Magnet schools may have selective admissions **NO MENTION**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Connecticut's constitution states, "There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation."¹ There is no language in the state constitution that suggests it protects an individual student's right to access. In *Horton v. Meskill* (1977), the Connecticut Supreme Court ruled that education is a fundamental right.²

There are no general statutes governing admission for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **YES**
- B3. The state criminalizes address sharing **ALLOWS**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Connecticut law requires that public schools "be maintained in each town."³ Parents are required to ensure their children attend school "in the district in which the child resides."⁴ Each district's board of education "shall designate the schools which shall be attended by the various children within the school district."⁵ State law makes no mention of an appeals process for families unhappy with their traditional public school assignment but explicitly decriminalizes address sharing.⁶

ARGUABLY

NO

YES

ALLOWS

NO

NO

¹ <https://portal.ct.gov/SOTS/Register-Manual/Section-I/Constitution-of-the-State-of-Connecticut>

² [https://schoolstatefinance.org/resources/horton-v-meskill-1977#:~:text=Meskill%20\(1977\),-Apr%201%2C%201977&text=Connecticut%20Supreme%20Court%20ruling%20holding,right%20must%20be%20strictly%20scrutinized.](https://schoolstatefinance.org/resources/horton-v-meskill-1977#:~:text=Meskill%20(1977),-Apr%201%2C%201977&text=Connecticut%20Supreme%20Court%20ruling%20holding,right%20must%20be%20strictly%20scrutinized.)

³ https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-15

⁴ https://www.cga.ct.gov/current/pub/chap_168.htm#sec_10-184

⁵ https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-220a

⁶ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **NONE**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Connecticut law provides that “local and regional boards of education may develop intradistrict student assignment programs. Under such programs parents may select the public school which their child will attend provided the school is in the school district in which the child resides.”⁷ The law provides no additional guidance on the issue of within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **SOME**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Connecticut law has been phasing in regional cross-district open enrollment plans since the early 2000s. Currently, the regional educational service centers in the Hartford, New Haven, Bridgeport, and New London regions are required to operate programs;⁸ cross-district open enrollment pilot programs launched in the Danbury and Norwalk regions during the 2022-23 school year.⁹ Each of these programs sets specific restrictions on the number of [cont. →]

⁷ https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221e
⁸ https://www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (c)(1-2)
⁹ https://www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (c)(4)

students exiting and entering high-minority enrollment communities in an attempt to prevent the programs from concentrating more minority students in already-predominantly minority schools.¹⁰

Cross-district open enrollment programs are optional in other regions of the state.¹¹

Regional education service centers are required to “assist the school district in determining attendance by the use of a lottery or lotteries” if there are more students seeking seats than there are seats available;¹² however, districts are not required to reserve capacity for nonresident students. There is no mention of an appeals process for denied applications.

Open enrollment is always free to families; the state Department of Education provides annual grants to the regional education service centers to cover the costs of transportation and any additional per-pupil fees.¹³

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

E1. Charter schools are required to enforce existing attendance zones	NONE
E2. Charter schools may have selective admissions policies	PROHIBITS
E3. Charters may or must establish enrollment preferences or priorities	ALLOWS
E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats	YES W/ EXCEPTION

Charter schools may establish enrollment preferences and can determine a “specialized focus,”¹⁴ but they are prohibited from discriminating on the basis of athletic ability, among other standard factors.¹⁵ While there is no mention in the law of individual charter schools enforcing attendance zones, the law directs the state Board of Education to give preference to operators that will serve students in priority school districts and in school districts that enroll a majority of racial/ethnic minority students.¹⁶

Charter schools are required to “determine enrollment by a lottery” when demand exceeds available seats, except if the charter school “has as its primary purpose the establishment of education programs designed to serve” students with a history of behavioral problems, students with disabilities, students learning English, or students of a single gender.¹⁷

¹⁰ <https://delcode.delaware.gov/title14/c004a/index.html> § 404(a) – (e)
¹¹ https://www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (c)(3)
¹² https://www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (e)
¹³ https://www.cga.ct.gov/current/pub/chap_172.htm#sec_10-266aa (f) and (g)
¹⁴ https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-66bb (d)(1)
¹⁵ https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-66bb (d)(8)(D)
¹⁶ https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-66bb (c)(3)(C)
¹⁷ https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-66bb (j)(1)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions
- F2. Magnet schools may have selective admissions

YES

NO MENTION

Connecticut law allows various approved bodies of K-12 or higher education and third-party nonprofit organizations to create magnet schools. Such schools must propose a program that supports racial, ethnic, and economic diversity; offers a special and high-quality curriculum; and requires students to attend at least half time.¹⁸ Magnet schools may not have more than 75% enrollment from a single district and must maintain enrollment meeting “reduced-isolation setting standards” adopted by the commissioner of education.¹⁹ Magnet schools may have agreements with certain districts to enroll some number of students from that district. Certain magnet schools may, instead, operate without such agreements “as determined by the Commissioner of Education” and then “enroll students from any district through a lottery designated by the commissioner.”²⁰ Magnet schools with agreements may offer “unused student capacity” left after fulfilling an agreement to “any interested student.”²¹

Until 2020, many interdistrict magnet schools had explicit racial thresholds or quotas that set a minimum of 25% of enrollment for white and Asian students. This was a part of settlement in a desegregation lawsuit that was approved by the Connecticut courts. Additional African American and Hispanic students were denied enrollment in these schools, even if seats were available, if the schools did not have enough white and Asian students to maintain the racial quota/threshold. After a lawsuit challenged the practice as unconstitutional, the state changed to a system based on enrollment preferences for students of high “socioeconomic status” and those from families with higher educational attainment, as well as applicants’ choice ranking, seats available, and other factors. The state also created new seats in the schools and reserved some of them for lower-income African American and Hispanic students.²²

¹⁸[https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264\(a\)](https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264(a))

¹⁹[https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264\(a\)\(3\)](https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264(a)(3))

²⁰[https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264\(a\)\(10-264o\)\(a\)](https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264(a)(10-264o)(a))

²¹[https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264\(j\)](https://www.cga.ct.gov/current/pub/chap_164.htm#sec_10-264(j))

²²Mark Keierleber, “Libertarian Group Drops ‘Racial Quota’ Suit After Connecticut Signs ‘Breakthrough’ Settlement in 30-Year School Desegregation Battle,” *The 74*, February 6, 2020, <https://www.the74million.org/article/libertarian-group-drops-racial-quota-suit-after-connecticut-signs-breakthrough-settlement-in-30-year-school-desegregation-battle/>.

DISTRICT OF COLUMBIA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **REQUIRED**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **N/A**
- ▶ D2. Districts are required to participate in cross-district open enrollment **N/A**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **N/A**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **YES**
- ▶ F2. Magnet schools may have selective admissions **NO MENTION**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

The District of Columbia is not a state, but a territory of the United States that is ruled directly by Congress. It does not have its own constitution. In 1973, Congress passed the District of Columbia Home Rule Act, which allowed for a popularly elected mayor and a 13-member council.¹ While the council can pass local laws and ordinances — including around education — they are all subject to the approval of Congress. There are no statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **REQUIRED**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

DC law requires that every 10 years, beginning in 2023, “the Mayor shall complete a comprehensive review of District of Columbia Public Schools student assignment policies” including “student assignments to schools.”² Students are assigned to schools based on residential boundaries. There is no appeals process for families unhappy with their school assignment. DC law criminalizes address sharing.³

¹ <https://dccouncil.gov/dc-home-rule/>

² <https://code.dccouncil.gov/us/dc/council/code/titles/38/chapters/2/subchapters/1-A> (b)(1)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
a is denied enrollment in in a district school

DC law establishes a Common Lottery Board to “develop and maintain a common lottery system for admission to public schools in the District of Columbia.”⁴ Families may apply through the common lottery system to any out-of-boundary or specialized school (selective admissions, magnet, etc.).⁵ The law entitles parents “to appeal the denial of eligibility for any of the selective transfer processes.”⁶

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **N/A**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **N/A**

DC operates a single school district; therefore, cross-district open enrollment is not applicable.

⁴ <https://code.dccouncil.gov/us/dc/council/code/titles/38/chapters/1B> 38-194(a)(1)

⁵ <https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=5-B2106> 2106.2(a)

⁶ <https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=5-B2106> 2106.16

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Conversion charter schools are required to give priority to students who were enrolled in the traditional district school prior to its conversion and to students who reside within the attendance boundaries where the school is located.⁷ Charter schools are permitted to establish enrollment preferences; however, they are prohibited from establishing selective admissions criteria including “intellectual or athletic ability [or] measures of achievement or aptitude.”⁸ If demand exceeds capacity, “students shall be admitted using a random selection process.”⁹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **YES**
- F2. Magnet schools may have selective admissions **NO MENTION**

The laws governing DC’s open enrollment process include magnet schools; there are no separate laws governing magnet school admissions.

⁷ <https://code.dccouncil.gov/us/dc/council/code/sections/38-1802.06> (d)(1)

⁸ <https://code.dccouncil.gov/us/dc/council/code/sections/38-1802.06> (b)

⁹ <https://code.dccouncil.gov/us/dc/council/code/sections/38-1802.06> (c)

DELAWARE

A. Statewide laws

- ▶ A1. The state constitution protects an individual student's right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **SOMETIMES REQUIRES**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their "home school" **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **YES**
- ▶ F2. Magnet schools may have selective admissions **NO MENTION**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **YES**

Delaware's constitution requires the General Assembly to "provide for the establishment and maintenance of a general and efficient system of free public schools."¹ There is no language in the state constitution that suggests it protects an individual student's right to access. Delaware does have a general statute governing the admissions process for all public schools, however. The "enrollment choice" law (discussed below) also appears to apply to all types of public schools in the state, including magnets, charters, and traditional public schools. The law calls for the establishment of a uniform public school registration process for parents registering their children for the first time.²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **SOMETIMES REQUIRED**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Delaware law states that students "shall attend the public school in the school district within which they reside," with exceptions laid out in statute.³ In an attempt to desegregate the city of Wilmington, state law requires the development of a Wilmington Neighborhood Schools Committee and instructs the boards of four school districts in New Castle County (which includes the city of Wilmington) to "develop a Neighborhood School Plan for their districts that assigns every student within the district to the grade-appropriate school closest to the student's residence without regard to any consideration other than geographic distance and the natural boundaries of neighborhoods."⁴ There is no appeals process for families unhappy with their traditional district school assignment. State law criminalizes address sharing.⁵

¹ <https://delcode.delaware.gov/constitution/constitution-11.html#TopOfPage> Article X

² <https://delcode.delaware.gov/title14/c004a/index.html> 403A

³ <https://delcode.delaware.gov/title14/c002/sc01/index.html> 202(c)

⁴ <https://delcode.delaware.gov/title14/c002/sc02/index.html> 223(a)

⁵ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- | | |
|---|---------------|
| C1. State law addresses within-district open enrollment | YES |
| C2. Districts are required to offer within-district open enrollment | ALL |
| C3. State requires schools/districts to reserve capacity for nonresident students | NO |
| C4. Families can access a school without the approval of their “home school” | ALWAYS |
| C5. Schools/districts are required to hold a lottery for within-district admission
if demand exceeds available seats | YES |
| C6. There is an appeals process if a student, who otherwise meets requirements,
a is denied enrollment in in a district school | NO |

In 1996 Delaware adopted a comprehensive “enrollment choice program” applicable to “school districts, vocational-technical school districts, charter schools, and the Department of Education...”⁶ This act creates a uniform process for students to register at their neighborhood school but apply, during a fixed application window, to be assigned to another Delaware public school or schools in “the parent’s order of preference of the schools and programs.”⁷ The application is standardized statewide, districts are forbidden to create needless “burdens or barriers” to parents seeking options, and a parent who missed a deadline is allowed to show “cause” for an out-of-time application.⁸ Districts must provide public information on programs and capacity for open enrollments, including “at least 1 public information session about choice opportunities” before the window for parents to submit applications.⁹

The district is then required to take action to accept or not accept the application.¹⁰ Districts are allowed to adopt “criteria for acceptance or rejection of applications,” which must be “reasonably related to the nature of the program or school” and “may not differ from the criteria” for acceptance of students from within the school’s attendance zone.¹¹ Districts are not required to reserve capacity for nonresident students and may reject an open enrollment application “because of lack of capacity in a particular program or school.”¹² Capacity is defined as project enrollment of at least 85% of the maximum number of students “as determined solely by considerations of physical space, physical resources, specific program requirements, and class size for each grade level.”¹³ When the number of applicants surpasses the available capacity, the district, after exercising required and any permitted priorities, then uses “a lottery process to admit additional students and generate a ranked waiting list.”¹⁴

⁶ <https://delcode.delaware.gov/title14/c004a/index.html> § 401(a), (c) & (d)

⁷ <https://delcode.delaware.gov/title14/c004a/index.html> § 403(d)

⁸ <https://delcode.delaware.gov/title14/c004a/index.html> § 403(a), (a)(2)(c), & (b).

⁹ <https://delcode.delaware.gov/title14/c004a/index.html> § 404(f) & (g)

¹⁰ <https://delcode.delaware.gov/title14/c004a/index.html> § 404(a) – (e)

¹¹ <https://delcode.delaware.gov/title14/c004a/index.html> § 405(a)

¹² <https://delcode.delaware.gov/title14/c004a/index.html> 405(d)

¹³ *Ibid.*

¹⁴ <https://delcode.delaware.gov/title14/c004a/index.html> § 405(b)

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their “home district” approves **ALWAYS**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **YES**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Cross-district enrollment can be pursued under the same rules as within-district enrollment described above. Cross-district enrollment is free to families, with the district of residence paying the receiving district “the lower local cost per pupil expenditure of the 2 districts.”¹⁵

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

State law allows charter schools to establish specific enrollment preferences.¹⁶ In the case of existing public schools converting to charter status, a charter school may give enrollment preference to students attending the previous district school. New (nonconverted) charter schools may give preference to students residing within a five-mile radius or students residing in the district where the charter school is located.¹⁷ The law makes no mention of whether charter schools can establish selective admissions policies. Charter schools must use a lottery in the case of over-enrollment.¹⁸

¹⁵<https://delcode.delaware.gov/title14/c004/index.html> 408(e)
¹⁶<https://delcode.delaware.gov/title14/c005/index.html> 506 (b)
¹⁷<https://delcode.delaware.gov/title14/c005/index.html> 506(b)(2) and (3)(a-b)
¹⁸<https://delcode.delaware.gov/title14/c005/index.html> 506 (3)(b)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

F1. State law addresses magnet school admissions

YES

F2. Magnet schools may have selective admissions

NO MENTION

Magnet schools in Delaware appear to be subject to the same admissions requirements as traditional public schools and charter schools under the enrollment choice program.

FLORIDA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **YES**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **YES**

The Florida constitution states that it is “a paramount duty of the state to make adequate provision for the education of all children residing within its borders.”¹ There does not appear to be any language that could be interpreted to protect an individual student's right to access.

Florida also has a statute that covers admissions at all types of public schools (explained in more detail in the open enrollment sections below).²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Florida law explicitly gives school boards the power to “assign students to schools.”³ Districts are allowed to base school assignment on residence, but it is not required. Rather, the state's controlled open enrollment program aims to create “a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational choice as a significant factor.” There is no mention of an appeals process for families unhappy with their traditional public school assignment. State law criminalizes address sharing.⁴

¹ <http://www.leg.state.fl.us/statutes/index.cfm?submenu=3#A9>

² http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1002/Sections/1002.31.html

³ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1001/Sections/1001.41.html (6)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
a is denied enrollment in in a district school

Florida's controlled open enrollment law requires all school districts (and charter schools) to "allow a parent from any school district in the state... to enroll his or her child in... any public school... that has not reached capacity."⁵ School districts are required by law to update their capacity determinations by grade level every 12 weeks.⁶ Schools are not required to reserve capacity for nonresident students, however, and students residing in the district "may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process."

Each school district must develop and post the process for families to participate in controlled open enrollment. This process must include both a lottery procedure to determine student assignment (giving preferential treatment to students residing in the district, among other groups of students)⁷ and an appeals process "for hardship cases."⁸

⁵ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (2)(a)
⁶ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (2)(b)
⁷ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (2)(c)(1-4)
⁸ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (3)(c)

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their “home district” approves **ALWAYS**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **YES**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **YES**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Florida’s controlled open enrollment law, discussed above, also governs cross-district open enrollment. There is no tuition charge to families for participating, and districts are required to provide families with transportation options.⁹

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **ALLOWS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Charter schools may be exempt from the rules around controlled open enrollment “if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.”¹⁰

Charter schools may give enrollment preference to certain groups of students outlined in the law¹¹ and may limit their enrollment process to target certain groups of students, including “students residing within a reasonable distance of the charter school”¹² and those who “meet reasonable academic, artistic, or other eligibility standards.”¹³ Conversion charter [cont. →]

⁹ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.31.html (3)(f)
¹⁰ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html (10)(a)(1)
¹¹ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html (10)(d)
¹² http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html (10)(e)(4)
¹³ http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html (10)(e)(5)

schools are required to give preference “to students who would have otherwise attended that public school.”¹⁴ If there are more applicants remaining once all preferences and priorities are accounted for, schools must hold a lottery.¹⁵

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **YES**
- F2. Magnet schools may have selective admissions **N/A**

Magnet schools in Florida appear to be subject to the same admissions requirements as traditional public schools and charter schools under the enrollment choice program.

¹⁴http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html (10)(c)

¹⁵http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html

GEORGIA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Georgia's constitution reads, "The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no statutes that govern admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Georgia law allows for school assignment to be based on residence in a geographic zone: "Admission... shall be free to all children and youth who enroll... within the local school system in which they reside."² Moreover, Georgia's within-district open enrollment law makes it clear that local school boards have the power to assign students to schools: "The parent of a student... may elect to enroll such student in a public school... other than the one to which the student has been assigned by the local board of education."³ There is no appeals process for families unhappy with their traditional public school assignment. Georgia law criminalizes address sharing.⁴

¹ https://sos.ga.gov/sites/default/files/2022-02/state_constitution.pdf VIII section I

² <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-133.html> (a)

³ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131/>

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Georgia law states, "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."⁵ All school systems are required to establish a process to allow for within-district enrollment.⁶ Within-district open enrollment is only allowed "if such school has classroom space available after its assigned students have been enrolled,"⁷ and schools are not required to reserve capacity for nonresident students. School districts are required to establish a "universal, streamlined process" to implement within-district open enrollment; however, there is no requirement for a lottery or other random process.⁸ The law makes no mention of an appeals process if a student's application is denied.

⁵ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131/> (a)(1)

⁶ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131/> (a)(2)

⁷ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131/> (a)(1)

⁸ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2131/> (a)(2)

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their “home district” approves **NEVER**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Georgia law allows for cross-district open enrollment only for “compelling reasons and circumstances.”⁹ Districts participation is voluntary, and students can only enroll in another district if both districts agree to the transfer.¹⁰ Districts are not required to hold a lottery to facilitate cross-district open enrollment, nor is there an appeals process if a student’s application is denied.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Georgia charter schools are not required to enforce existing attendance zones but are required to uphold existing district boundaries. Each school must establish an “attendance zone” in its application, which is defined as “all or any portion of the local school system in which the charter school is located and may include all or any portion of other local school systems if the charter is jointly authorized.”¹¹ Moreover, unless a charter school is jointly authorized by two school districts, or “pursuant a contractual agreement” between two school districts,¹² Georgia charter schools can only enroll students who reside within the boundaries [cont.→]

⁹ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-293/> (a)

¹⁰ Ibid.

¹¹ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2062.html> (1.1)

¹² <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2066/> (2)

of the school district in which the charter school is located. Conversion charter schools may give enrollment preference to “students who were enrolled in the local school prior to its becoming a conversion charter school.”¹³

Charter schools cannot “discriminate on any basis that would be illegal if used by a school system”;¹⁴ however, charter schools are allowed to establish enrollment preference as outlined in the legislation.¹⁵

If demand exceeds capacity, charter schools must use a “random selection process” to enroll students.¹⁶

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

¹³ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2066/> (B)(iii)

¹⁴ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2066/> (c)

¹⁵ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2066/> (a)(1)(A)(i-v); (B)(i-v), and (b)(1-5)

¹⁶ <https://codes.findlaw.com/ga/title-20-education/ga-code-sect-20-2-2066/> (a)(1)(A)

HAWAII

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **REQUIRED**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **NEVER**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **N/A**
- ▶ D2. Districts are required to participate in cross-district open enrollment **N/A**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **N/A**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Hawaii's constitution calls for "a statewide system of public schools" in which "there shall be no discrimination... because of race, religion, sex or ancestry."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **REQUIRED**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

There is a single, statewide school district in Hawaii. State law requires students "to attend the school of the service area, as determined by the department [of education], in which the person resides."² There is no appeals process for families unhappy with their traditional public school assignment. State law criminalizes address sharing.³

¹ <https://lrb.hawaii.gov/constitution/#articlex>

² https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302A/HRS_0302A-1143.htm

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **NONE**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **NEVER**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Hawaii law allows students to request “a geographic exception to attend school in another service area,” and gives the Department of Education discretion to grant or deny that request.⁴ There are no other provisions regarding within-district open enrollment in Hawaii statute; however, the Board of Education has established more detailed rules.⁵

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **N/A**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **N/A**

Hawaii operates a single school district; therefore, cross-district open enrollment is not applicable.

⁴ https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302A/HRS_0302A-1143.htm

⁵ <https://boe.hawaii.gov/policies/AdminRules/Pages/AdminRule13.aspx>

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Statewide charter schools “shall be open to any student residing in the State who is entitled to attend a department school,”⁶ while conversion charter schools are required to “enroll any student who resides within the school’s former geographic service area... for the grades that were in place when the department school converted to a charter school.”⁷ Charter schools may establish enrollment preferences⁸ but cannot discriminate based on “academic or athletic ability.”⁹ If demand exceeds capacity, charter schools must use a lottery.¹⁰

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁶ https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302D/HRS_0302D-0034.htm (b)(1)
⁷ https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302D/HRS_0302D-0034.htm (c)(1)
⁸ https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302D/HRS_0302D-0034.htm (b)(4-7)
⁹ https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302D/HRS_0302D-0034.htm (a)
¹⁰ https://www.capitol.hawaii.gov/hrscurrent/vol05_ch0261-0319/HRS0302D/HRS_0302D-0034.htm (b)(3))

IDAHO

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

The Idaho constitution calls for the establishment of “a general, uniform, and thorough system of public, free common schools.”¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general statutes governing admission for all types of public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Idaho law requires school districts to adopt “policies to govern processes for enrollment options.”² Importantly, these policies “shall prohibit discrimination against any pupil on the basis of his residential address.”³ While this provision appears to conflict with provisions in the open enrollment statute that give a geographic enrollment preference to students who reside in a district (discussed in more detail below), it could be read to prohibit within-district geographic preferences — leaving attendance zones vulnerable to legal challenge.

There is no mention of an appeals process for families unhappy with their traditional public school assignment. State law does not explicitly criminalize or decriminalize address sharing.⁴

¹ <https://legislature.idaho.gov/statutesrules/idconst/ArtIX/Sect1/>

² <https://legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1402/> (1)

³ <https://legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1402/> (1)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
a is denied enrollment in in a district school

State law requires all school districts to adopt policies to govern within-district transfers,⁵ and districts are expressly forbidden from taking "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."⁶ Districts are not required to reserve capacity for nonresident students and can deny enrollment applications due to lack of space.⁷ Districts are not required to use a lottery if demand exceeds capacity. Districts must provide families with a written explanation of a denial.⁸ Families can appeal a denied transfer request to the district.⁹

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

[cont.→]

⁵ <https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH14/SECT33-1402/> (1)
⁶ <https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH14/SECT33-1402/> (11)
⁷ <https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH14/SECT33-1402/> (5)(d)
⁸ <https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH14/SECT33-1402/> (3)
⁹ <https://legislature.idaho.gov/statutesrules/idstat/title33/t33ch14/sect33-1410/> (1)

The law governing within-district open enrollment also governs cross-district open enrollment.¹⁰ Districts cannot discriminate on the basis of disability.¹¹ Cross-district open enrollment is free to families, with affected districts paying tuition.¹²

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Idaho’s charter school law prohibits schools from determining admission based on “the place of residence of the student,” except for conversion charter schools, which “shall adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school.”¹³

If demand exceeds capacity, charter schools may provide admission preference to certain student characteristics in an order specified by law, and they must use a lottery “or other random method” to determine admission.¹⁴ The law makes no mention of whether charter schools can establish selective admissions policies.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

¹⁰<https://legislature.idaho.gov/wp-content/uploads/statutesrules/idstat/Title33/T33CH14.pdf>

¹¹<https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH14/SECT33-1402/> (11)

¹²<https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH14/SECT33-1402/> (8)

¹³<https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH52/SECT33-5206/> (1)

¹⁴<https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH52/SECT33-5206/> 13(a)

ILLINOIS

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **SOME**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

The Illinois Constitution states, "The State shall provide for an efficient system of high quality public educational institutions and services."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Illinois law gives local boards of education power "to establish one or more attendance units within the district"² and requires that "as soon as practicable and from time to time thereafter, the board shall change or revise existing units or create new units in a manner which will take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race or nationality."³ There is no mention of an appeals process for families unhappy with their traditional public school assignment. State law criminalizes address sharing.⁴

¹ <https://www.ilga.gov/commission/lrb/conent.htm> article X

² <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000> 10-21.3

³ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000> 10-21.3

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

State law requires each school board to “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.”⁵ There is no requirement for schools to reserve capacity for nonresident students, and within-district transfers are not permitted if they would result in the receiving school exceeding its attendance capacity.⁶ There is no mention of a lottery process to admit transfer students, and no mention of an appeals process if a transfer request is denied.

A separate statute lays out the process for within-district open enrollment in Chicago. This statute allows the city school district to assign students to schools, but it also allows families to “apply for enrollment of their children to any attendance center within the school district which does not have selective admissions requirements approved by the board.”⁷ Students must be admitted to schools on a “space-available basis after all children residing within such attendance center’s area have been accommodated.”⁸ If the number of applicants exceeds the capacity of a school, the school must use a lottery to select students.

⁵ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000> 10-21.3a
⁶ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000> 10-21.3a
⁷ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+34&ActID=1005&ChapterID=17&SeqStart=201300000&SeqEnd=229600000> 34-18(7)
⁸ *Ibid*

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their “home district” approves **ALWAYS**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

Illinois law provides for limited cross-district open enrollment. Districts can charge nonresident students “tuition in the amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding year.”⁹ School districts can “enter into written agreements with adjacent school districts to provide for tuition free attendance by a student of the adjacent district,” but “shall not be required to enter into such agreements.”¹⁰ The law does not specify any additional processes for implementing cross-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **SOME**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Illinois charter schools are open to “any pupil who resides within the geographic boundaries of the area served by the local school board,”¹¹ except that cities with a population exceeding 500,000 people “may designate attendance boundaries for no more than one-third of the charter schools permitted in the city if the board of education determines that attendance boundaries are needed to relieve overcrowding or to better serve low-income and [cont.→]

⁹ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000> 10-20.12a
¹⁰ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+10&ActID=1005&ChapterID=17&SeqStart=63600000&SeqEnd=90300000> 10-22.5a(a)
¹¹ <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27A&ActID=1005&ChapterID=17&SeqStart=182800000&SeqEnd=185000000> 27A-4(d)

at-risk students.”¹² Students within a charter school boundary “may be given priority for enrollment, but must not be required to attend the charter school.”¹³

Charter schools must use a lottery to select students if demand exceeds capacity¹⁴ and must give priority to current students and siblings of current students. Charter schools may give priority to students residing within the school’s attendance boundary, if one exists, as well as certain target populations (high school dropouts, students from low-performing schools, children of military families).¹⁵ There is no mention of whether charter schools can establish selective admissions policies.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

¹²<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27A&ActID=1005&ChapterID=17&SeqStart=182800000&SeqEnd=185000000> 27A-4(d)
¹³<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27A&ActID=1005&ChapterID=17&SeqStart=182800000&SeqEnd=185000000> 27A-4(d)
¹⁴<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27A&ActID=1005&ChapterID=17&SeqStart=182800000&SeqEnd=185000000> 27A-4 (h)
¹⁵<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27A&ActID=1005&ChapterID=17&SeqStart=182800000&SeqEnd=185000000> 27A-4(h)

INDIANA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **SOME**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Indiana's state constitution requires the General Assembly "to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all."¹ The language "equally open to all" could arguably be used to protect an individual student's right to access, but to our knowledge the state Supreme Court has not yet considered this question.

The state does not have any general statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Indiana law grants "to each school corporation all the powers needed for the effective operation of the school corporation."² The default organization of school districts is based on geography: "A school corporation shall conduct an educational program for all children who reside within the school corporation in kindergarten and in grades 1 through 12."³ There is no mention of an appeals process for families unhappy with their traditional public school assignment. State law does not explicitly criminalize or decriminalize address sharing.⁴

¹ [https://s3.us-east-2.amazonaws.com/iga-publications/indiana_constitution/Archive%20Constitution%20\(as%20amended%202018\).pdf](https://s3.us-east-2.amazonaws.com/iga-publications/indiana_constitution/Archive%20Constitution%20(as%20amended%202018).pdf) Article 8

² <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-3/section-20-26-3-1/>

³ <https://law.justia.com/codes/indiana/2017/title-20/article-26/chapter-5/section-20-26-5-1/>

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **SOME**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Indiana law only mentions within-district open enrollment in the context of the Indianapolis Public Schools System (IPS). State law requires IPS to “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.”⁵ The law directs the IPS board of education to establish criteria for setting priorities for parental choices and assigning students to schools, but it does not expect schools to reserve capacity for nonresident students.⁶ State law does not require the use of a lottery system (though IPS has developed a common enrollment system to support families in accessing the city’s public schools).⁷

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

Indiana law allows the parents of students to “request a transfer from a school corporation in which the student has a legal settlement to a school corporation in Indiana ... if the student may be better accommodated in the public schools of the transferee corporation.”⁸ [cont.→]

⁵ <https://law.justia.com/codes/indiana/2022/title-20/article-25/chapter-7/section-20-25-7-1/>
⁶ <https://law.justia.com/codes/indiana/2022/title-20/article-25/chapter-7/section-20-25-7-2/>
⁷ Enroll Indy, official site, <https://enrollindy.org>
⁸ <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-11/section-20-26-11-5/>

The law outlines considerations for whether a student would be “better accommodated” including “crowded conditions” and curriculum offerings better aligned to the needs of the student. School districts may accept transfer students without the approval of the resident district.⁹ Districts are not required to have a policy to accept transfer students; however, if they choose not to, they are subject to certain circumstances in which they must accept a transfer.¹⁰ If a transfer request is denied, families may appeal to the state board.¹¹ School districts may charge families tuition to transfer their children.¹²

Transferee corporations are allowed to refuse the transfer of “a student with a physical, emotional, or mental disability” by mailing a notice to the transfer corporation, the parents of the student, and the state board.¹³ If a transferee refuses the transfer of a student with disabilities, the state board “shall determine the question of granting a transfer” under procedures set out elsewhere in the law.¹⁴

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

All charter schools, including conversion charter schools, “must be open to any student who resides in Indiana.”¹⁵ Charter schools cannot have selective admissions criteria but may establish enrollment preferences or priorities¹⁶ that are in line with what would be permitted for traditional public schools.¹⁷ If demand exceeds supply, charter schools must use a random selection process to enroll students.¹⁸

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁹ <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-11/section-20-26-11-6/>
¹⁰ <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-11/section-20-26-11-6-7/>
¹¹ <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-11/section-20-26-11-5/>
¹² <https://codes.findlaw.com/in/title-20-education/in-code-sect-20-26-11-6/>
¹³ <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-11/section-20-26-11-7/>
¹⁴ <https://law.justia.com/codes/indiana/2022/title-20/article-26/chapter-11/section-20-26-11-7/>
¹⁵ <https://law.justia.com/codes/indiana/2022/title-20/article-24/chapter-5/section-20-24-5-1/>
¹⁶ <https://law.justia.com/codes/indiana/2022/title-20/article-24/chapter-5/section-20-24-5-5/>
¹⁷ <https://law.justia.com/codes/indiana/2022/title-20/article-24/chapter-5/section-20-24-5-4/>
¹⁸ <https://law.justia.com/codes/indiana/2022/title-20/article-24/chapter-5/section-20-24-5-5/> (b)

IOWA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student's right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NO**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their "home school" **SOMETIMES**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Iowa law requires the board of education to “provide for the education of all the youths of the state, through a system of common schools...”¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Iowa law requires school boards of directors to “divide the corporation into such wards or other divisions for school purposes as may be proper [and] determine the particular school which each child shall attend.”² There is no prohibition against using residence in a geographic zone to make school assignments. While the parents of siblings “may request of a school principal that the children be placed in the same classroom or in separate classrooms if the children are in the same grade level,”³ there is no appeals process for school assignments. State law criminalizes address sharing.⁴

¹ <https://www.legis.iowa.gov/docs/publications/ICP/1207142.pdf> article IX section 12

² <https://www.legis.iowa.gov/docs/code/2020/279.11.pdf> (1)

³ <https://www.legis.iowa.gov/docs/code/2020/279.11.pdf> (2)(a)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **NO**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their “home school” **SOMETIMES**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Senate File 496, enacted in late 2023, specifies that a parent or guardian can request a within-district transfer if there was a case of bullying/harassment and if the district has space in the requested alternate attendance center.⁵

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints **ALWAYS**
- D5. Families can access a school regardless of whether their “home district” **NO**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **SOMETIMES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **ALWAYS**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families

Iowa has had a cross-district open enrollment policy in place since 1989. The law, which allows parents or guardians to enroll their children “in a public school in another school district,” is to “be construed broadly to maximize parental choice.”⁶ All districts must participate and are directed by law to enroll applicants unless “the receiving district has insufficient classroom space for the pupil.”⁶ Districts are not, however, required to reserve capacity for nonresident students. [cont. →]

⁵ <https://www.legis.iowa.gov/docs/publications/LGE/90/SF496.pdf>

⁶ 282.18(1)(a)

Transfers for students with disabilities shall only be granted if the receiving district has space in the appropriate instructional program.⁸ Transfer denials based on insufficient capacity are explicitly not subject to appeal;⁹ however, denials due to the district’s implementation of a desegregation plan are appealable to the district’s superintendent.¹⁰ State law does not require the use of a lottery if there are more applicants than seats.

Cross-district open enrollment is free to families; sending districts pay receiving districts the state per-pupil cost.¹¹

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Iowa charter schools must accept any students who meet the application deadline.¹² Charter schools are explicitly forbidden from discriminating in admissions policies “on the basis of intellectual or athletic ability”¹³ and are required to give preference to siblings of enrolled students.¹⁴ If demand exceeds capacity, charter schools must enroll students “by lot.”¹⁵

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁷ <https://www.legis.iowa.gov/docs/code/282.18.pdf> (1)(b)

⁸ 282.18(6)(a)(1)-(2)

⁹ <https://www.legis.iowa.gov/docs/code/282.18.pdf> (2)(b)

¹⁰ <https://www.legis.iowa.gov/docs/code/282.18.pdf> (3)(b)

¹¹ <https://www.legis.iowa.gov/docs/code/282.18.pdf> (5)(b)(1)

¹² <https://www.legis.iowa.gov/docs/code/256F.4.pdf> (4)

¹³ <https://www.legis.iowa.gov/docs/code/256F.4.pdf> (3)

¹⁴ Ibid.

¹⁵ <https://www.legis.iowa.gov/docs/code/256F.4.pdf> 256F.4

KANSAS

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

The Kansas constitution requires the legislature to “provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools.”¹ There is no language in the state constitution that suggests it protects an individual student's right to access. There are no general state statutes that govern admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Residence in a geographic zone is the default organization of school Kansas districts: “Any child who has attained the age of eligibility for school attendance may attend school in the district where the child lives.”² There is no appeals process for families unhappy with their traditional public school assignment. State law does not explicitly criminalize or decriminalize address sharing.³

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Kansas state law does not address within-district open enrollment.

¹ <https://law.justia.com/constitution/kansas/art6.html> Article 6

² <https://casetext.com/statute/kansas-statutes/chapter-72-schools/article-31-school-attendance/section-72-3122-school-attendance-based-on-residency-of-student> (a)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO**
- D5. Families can access a school regardless of whether their “home district” approves **ALWAYS**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **YES**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Beginning in the 2024-25 school year, Kansas law will require all school districts to accept nonresident students, subject to capacity.⁴ Districts are not required to reserve capacity for nonresident students, however, and if demand exceeds capacity, districts “shall randomly select nonresident students using a confidential lottery process.”⁵ There is no appeals process for denials of enrollment. Districts may not charge tuition or fees to nonresident families.⁶

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

State law does not require any charter schools to enforce existing attendance zones. The law requires charter applicants to detail student admission criteria, including a description of the lottery method to be used if demand exceeds supply,⁷ but makes no mention of whether charters can have selective admissions policies or establish enrollment preferences.

⁴ https://www.ksrevisor.org/statutes/chapters/ch72/072_031_0023.html
⁵ https://www.ksrevisor.org/statutes/chapters/ch72/072_031_0023.html (d)(4)
⁶ https://www.ksrevisor.org/statutes/chapters/ch72/072_031_0023.html (f)(1)
⁷ https://www.ksrevisor.org/statutes/chapters/ch72/072_042_0008.html (c)(8)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

KENTUCKY

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **REQUIRES**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

In *Rose v. Council for Better Education* (1989), the Supreme Court of Kentucky ruled Kentucky's school financing system violated parts of the Kentucky constitution and the equal protection clause of the 14th Amendment of the U.S. Constitution.¹ The court found that there is a fundamental right to an education under the Kentucky Constitution.² This finding could arguably be used to protect an individual student's right to access.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **REQUIRES**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Kentucky law states, "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."³ There is no appeals process for families unhappy with their traditional public school assignment. State law does not explicitly criminalize or decriminalize address sharing.⁴

¹ <https://law.justia.com/cases/kentucky/supreme-court/1989/88-sc-804-tg-1.html>

² *Ibid.*

³ [https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=3635#:~:text=Page%201-,159.070%20Attendance%20districts%20%2D%20Enrollment%20permitted%20in%20school%20nearest%20home,one%20\(1\)%20attendance%20district.](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=3635#:~:text=Page%201-,159.070%20Attendance%20districts%20%2D%20Enrollment%20permitted%20in%20school%20nearest%20home,one%20(1)%20attendance%20district.)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Kentucky law does not address within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Kentucky law requires all districts to "adopt a nonresident pupil policy to govern the terms under which the district shall allow enrollment of nonresident pupils."⁵ Districts' policies are not required to reserve capacity for nonresident students. Those policies "shall not discriminate between nonresident pupils, but may recognize enrollment capacity." The law does not require a lottery if there are more applicants than seats, and there is no appeals process for denials.

Cross-district open enrollment is free to families; any fees charged by a receiving district are to be paid by the sending district⁶

⁵ <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=51403> (1)

⁶ <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=51403> (2)

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Conversion charter schools must give enrollment preference to “students who attended the school the previous year.” Secondary preference must be given to “students who reside within the district boundary in which the public charter school is located.”⁷ The law establishes other preferences that all charter schools are required to implement (e.g., siblings) and allows for certain other preferences.⁸ Charter schools may not “discriminate against any student ... on the basis of... athletic ability [or] academic ability.”⁹ If demand exceeds supply, charter schools must use a “randomized and transparent lottery.”¹⁰

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁸ <https://law.justia.com/codes/kentucky/2022/chapter-160/section-160-1591/> (5)(b-e)

⁹ [Ky. Rev. Stat. § 160.1592](#) (15)

¹⁰ <https://law.justia.com/codes/kentucky/2022/chapter-160/section-160-1591/> (5)(f)

LOUISIANA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS W/ RESTRICTIONS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Louisiana's constitution states, "The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no statewide statutes governing access for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Louisiana law delegates broad power to school boards, including the "authority and responsibility" to "prescribe rules and regulations... including but not limited to the determination of student residency for school attendance and school transportation purposes."² So while state law does allow for school assignment based on residence in a geographic zone, it also requires districts to allow students to attend any public school within a one-mile radius of the student's home, regardless of district boundaries: "a city or parish school board shall assign a student to attend any public school requested by a parent... when the requested school has space available and is of a suitable grade level, and the child resides not more than one mile from such school measured by the distance to be traveled on public streets or highways, or by the boundary of a subdivision. The provisions of this Section shall apply regardless of parish boundaries and the respective school boards shall work together to ensure compliance herewith."³

State law does not explicitly criminalize or decriminalize address sharing.⁴ There is no appeals process for families unhappy with their traditional public school assignment.

¹ <https://senate.la.gov/Documents/LAConstitution.pdf> article VIII

² <https://www.legis.la.gov/legis/Law.aspx?d=79749>

³ [La. Stat. tit. 17 § 221.2](https://www.legis.la.gov/legis/Law.aspx?d=79749)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
a is denied enrollment in in a district school

Louisiana’s public school choice statute allows families to enroll “in the public school of his choice, without regard to residence, school system geographic boundaries, or attendance zones,” if the child’s school received a performance rating of D or F and the school they are seeking to enroll in both has space available and received a performance rating of A, B, or C.⁵ Families denied enrollment can request a review of the decision by the State Board of Elementary and Secondary Education.⁶

In addition, schools that are transferred to the Recovery School District because of repeated poor performance may provide families the option to enroll their child in another school operated by the school district.⁷ As noted above, Louisiana law also requires all schools to accept students who reside within one mile of the school regardless of district boundaries or attendance zones.⁸ There are no appeals processes in place for students who enroll under these statutes.

None of these within-district open enrollment policies requires schools to reserve capacity for nonresident students, nor do they require lottery processes if demand exceeds supply.

⁵ <https://www.legis.la.gov/legis/Law.aspx?d=920128>
⁶ <https://www.legis.la.gov/legis/Law.aspx?d=920128> C.(1)
⁷ <https://www.legis.la.gov/legis/Law.aspx?d=330380>
⁸ [La. Stat. tit. 17 § 221.2](#)

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO**
- D5. Families can access a school regardless of whether their “home district” approves **ALWAYS**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **SOMETIMES**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

The same laws that govern within-district open enrollment also govern cross-district open enrollment. An additional statute specific to cross-district open enrollment allows local school boards to, “by mutual agreement, provide for the admission to any school of pupils residing in adjoining parishes.”⁹ Cross-district open enrollment is always tuition-free for families.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **ALLOWS W/ RESTRICTIONS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Louisiana’s charter school law requires conversion charter schools to give preference over all other applicants to “pupils enrolled in the preexisting school.”¹⁰ Schools may establish mission-specific admission requirements such as an audition or proficiency in a foreign language. Schools chartered prior to July 1, 2012, “and which incorporated achievement of a certain academic record as part of its admission requirements may continue to use such admission requirements.”¹¹ Charter schools may establish other enrollment preferences, and they must use a lottery if demand exceeds capacity.¹²

⁹ <https://www.legis.la.gov/legis/Law.aspx?d=79750>

¹⁰ <https://www.legis.la.gov/legis/Law.aspx?d=80976> (24)(C)(1)(c)(ii)

¹¹ <https://www.legis.la.gov/legis/Law.aspx?d=80976> B(3)

¹² <https://www.legis.la.gov/legis/Law.aspx?d=80976> C.(1)(c)(i)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

MAINE

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **SOME**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **YES**
- ▶ F2. Magnet schools may have selective admissions **ALLOWS**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **YES**

Maine's constitution requires the legislature to "require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

State law does, however, have a statute governing admissions for all public schools: "It is the intent of the Legislature that every person within the age limitations prescribed by state statutes shall be provided an opportunity to receive the benefits of a free public education."²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

In operating public school programs, Maine law requires school boards to "determine which students attend each school."³ Students are eligible to attend the schools operated by the district in which they reside.⁴ State law does not explicitly criminalize or decriminalize address sharing,⁵ and there is no appeals process for families unhappy with their traditional public school assignment.

¹ <https://legislature.maine.gov/doc/9050> Article VIII

² <https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec2.html>

³ <https://legislature.maine.gov/legis/statutes/20-A/title20-Asec1001.html> (8)

⁴ <https://legislature.maine.gov/legis/statutes/20-A/title20-Asec1001.html>

⁵ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/report-when-good-parents-go-to-jail/#:~:text=The%20criminalization%20of%20address%20sharing%20in%20public%20education&text=In%20at%20least%2024%20states,Or%20download%20it%20here.>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, a is denied enrollment in in a district school **N/A**

Maine law does not address within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **SOME**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their “home district” approves **SOMETIMES**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **SOMETIMES**
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

Elementary and secondary students may attend “a public school in any school administrative unit with the consent of the receiving school’s school board. The student’s parent or guardian shall pay the cost of tuition and transportation.”⁶ Parents may request that the commissioner review a denied transfer request.⁷

In addition, “two superintendents may approve the transfer of a student from one school administrative unit to another.”⁸ In this case, school districts may not charge families tuition.⁹ [cont. →]

⁶ <https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5203.html>; <https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5204.html>

⁷ <https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5205.html> 6(B)

⁸ <https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5205.html> (6)

⁹ <https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5205.html> 6(E)

School districts that do not operate an elementary school or a high school, that have fewer than 10 students, or that do not offer sufficient courses at the secondary level (specifically two foreign language courses), must allow students to attend school in another district and must pay the tuition for them to do so.¹⁰ In addition, the legislative body of school districts that do not maintain any of the grades from K-12 may “authorize its school board to contract with another school for school privileges for all or part of its resident students in those grades.”¹¹ This type of cross-district open enrollment is tuition-free for families, with the school districts of residence paying any tuition costs to the receiving district.

In none of these instances are districts required to reserve capacity for nonresident students or to hold lotteries if there are more applicants than seats.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

E1. Charter schools are required to enforce existing attendance zones	SOME
E2. Charter schools may have selective admissions policies	PROHIBITS
E3. Charters may or must establish enrollment preferences or priorities	REQUIRES & ALLOWS
E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats	YES

Maine law requires “a charter school authorized by a local school board or by a collaborative among local school boards and any noncharter public school converting partially or entirely to a public charter school” to “adopt and maintain a policy that gives enrollment preference to pupils who reside within a school administrative unit whose school board authorizes that public charter school or within the former attendance area of that noncharter public school.”¹² Charter schools must give enrollment preference to students enrolled in the charter school the prior year and their siblings, and they may give preference to the children of the schools’ founders, governing board members, and staff.¹³ Charter schools may not “discriminate on the basis of... academic or athletic ability.”¹⁴ If demand exceeds capacity, charter schools must select students “through a random selection process.”¹⁵

¹⁰<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5203.html>;
<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec5204.html>

¹¹<https://www.mainelegislature.org/legis/statutes/20-A/title20-Asec2701.html>

¹²<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec2404.html> 2(G)

¹³<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec2404.html> 2(H)(l)

¹⁴<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec2404.html> 3.

¹⁵<https://www.mainelegislature.org/legis/statutes/20-a/title20-Asec2404.html> 2(C)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

State law addresses selective admissions for the only magnet school in the state, the : Maine School of Science and Mathematics.¹⁶ The school was established by state law as a public magnet school “for the purpose of providing certain high-achieving high school students”¹⁷ with a challenging educational experience. State law delegates power to the board of trustees to establish specific enrollment criteria, however.¹⁸

¹⁶<https://legislature.maine.gov/statutes/20-A/title20-Asec8205.html>

¹⁷<https://legislature.maine.gov/statutes/20-A/title20-Asec8201.html>,
<https://legislature.maine.gov/statutes/20-A/title20-Asec8231.html>

¹⁸<https://legislature.maine.gov/statutes/20-A/title20-Asec8205.html> 11,
<https://legislature.maine.gov/statutes/20-A/title20-Asec8235.html> 11

MARYLAND

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **REQUIRES**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **NO**
- ▶ D2. Districts are required to participate in cross-district open enrollment **N/A**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **N/A**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Maryland's Declaration of Rights states "that the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the People."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **REQUIRES**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Maryland law both delegates power to districts to determine which schools students will attend and requires school assignment to be based on residence: "With the advice of the county superintendent, the county board shall determine the geographical attendance area for each school established under this section."²

State law does not explicitly criminalize or decriminalize address sharing,³ and there is no appeals process for families unhappy with their traditional public school assignment.

¹ <https://msa.maryland.gov/msa/mdmanual/43const/html/00dec.html> Article 43

² https://mgaleg.maryland.gov/2023RS/Statute_VWeb/ged/ged.pdf 4-109(c)

³ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/report-when-good-parents-go-to-jail/#:~:text=The%20criminalization%20of%20address%20sharing%20in%20public%20education&text=In%20at%20least%2024%20states,Or%20download%20it%20here.>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school **N/A**

Maryland law does not address within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **NO**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **N/A**
- D5. Families can access a school regardless of whether their "home district" approves **N/A**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **N/A**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **N/A**
- D8. Cross-district open enrollment is tuition-free for families **N/A**

Maryland law does not address cross-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Maryland charter schools must be available to all students through a lottery if demand exceeds capacity.⁴ The law does not require any charter schools to enforce existing attendance zones; however, charter schools may provide “guaranteed placement through a lottery to students who live within the geographic attendance area established by the county board.”⁵ Charter schools may provide preference to certain groups of students through a weighted lottery⁶ but may not establish selective admissions policies.⁷

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁴ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=ged§ion=9-102&enactments=False&archived=False> (3)

⁵ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=ged§ion=9-102.3&enactments=False&archived=False> (1)(i)

⁶ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=ged§ion=9-102.2&enactments=False&archived=False>

⁷ Ibid.

MASSACHUSETTS

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

The Massachusetts Constitution states, "It shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns..."¹ There is no language in the state constitution that suggests it protects an individual student's right to access. There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Massachusetts law states, "Every person shall have a right to attend the public schools of the town where he actually resides,"² and that "every child between the minimum and maximum ages established for school attendance by the board of education shall ... attend a public day school in the town the student resides."³ State law neither criminalizes nor decriminalizes address sharing,⁴ and there is no appeals process for families unhappy with their traditional public school assignment.

¹ <https://malegislature.gov/Laws/Constitution> chapter V section II

² <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5>

³ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section1>

⁴ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/report-when-good-parents-go-to-jail/#:~:text=The%20criminalization%20of%20address%20sharing%20in%20public%20education&text=In%20at%20least%2024%20states,Or%20download%20it%20here.>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school **N/A**

Massachusetts law does not address within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO**
- D5. Families can access a school regardless of whether their “home district” approves **SOMETIMES**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **YES**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Two statutes address cross-district open enrollment. The first is the school choice program, which allows any student to “attend a public school in a city or town where he does not reside.”⁵ Districts must enroll nonresident students if there is space available; however, districts can adopt a resolution prior to June 1 “withdrawing from said obligation, for the school year beginning the following September.”⁶ School districts are not required to reserve capacity for nonresident students, and they “may establish terms for accepting non-resident students, provided, however, that if the number of non-resident students applying... exceeds the number of available seats, said school committee shall select students for admission on a random basis.”⁷ There is no appeals process for denials. This program is tuition-free to families, with the state paying tuition to the receiving district.⁸ [cont.→]

⁵ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12B> (b)

⁶ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12B>

⁷ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12B> (j)

⁸ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12B> (b)

In addition to this program, “any child, with the consent of the school committee of the town where he resides, may attend, at the expense of said town, the public schools of another town, upon such terms as may be fixed by the two committees.”⁹ In this instance, students must obtain the approval of their home district.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

Massachusetts operates two kinds of charter schools: Commonwealth and Horace Mann. Commonwealth charter schools are typical independent charter schools. Horace Mann charter schools are hybrid district-charter conversion schools that have many of the same flexibilities as independent charter schools but remain part of their authorizing school district in key ways.¹⁰ All charter schools “shall be open to all students, on a space available basis, and shall not discriminate on the basis of... athletic performance... or academic achievement.”¹¹ Commonwealth charter schools must give preference “to students who reside in the city or town in which the charter school is located.”¹² Horace Mann charter schools must give enrollment priority to students enrolled in the school before the petition to become a charter school as well as their siblings, then to students enrolled in the public school district where the school is located, and finally to other resident students.¹³ Schools must use an admissions lottery if demand exceeds capacity.¹⁴

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁹ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section12>

¹⁰ Kelly Robson Foster, Lynne Graziano, and Juliet Squire, “Horace Mann Charter Schools: Their Past, Present, and Promise,” Bellwether, 2022, <https://eric.ed.gov/?id=ED621934>.

¹¹ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89> (m)

¹² <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section89>

¹³ Foster, Graziano, and Squire, “Horace Mann Charter Schools: Their Past, Present, and Promise,” (n).

¹⁴ Ibid.

MICHIGAN

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Michigan's constitution states, "The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general statutes governing admissions for all public schools..

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Michigan school districts are generally allocated any power, express or implied, that is needed to "the performance of a function related to the operation of a public school and the provisions of public education services."² State law criminalizes address sharing,³ and there is no appeals process for families unhappy with their traditional public school assignment.

¹ [https://www.legislature.mi.gov/\(S\(sdtagyffe5hwvdrxpih5k5eo\)\)/mileg.aspx?page=getObject&objectName=mcl-Article-VIII-2](https://www.legislature.mi.gov/(S(sdtagyffe5hwvdrxpih5k5eo))/mileg.aspx?page=getObject&objectName=mcl-Article-VIII-2)

² [https://www.legislature.mi.gov/\(S\(34mtnyxg2jxaxukolui5bxdx\)\)/mileg.aspx?page=GetObject&objectname=mcl-380-11a](https://www.legislature.mi.gov/(S(34mtnyxg2jxaxukolui5bxdx))/mileg.aspx?page=GetObject&objectname=mcl-380-11a) (3)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/report-when-good-parents-go-to-jail/#:~:text=The%20criminalization%20of%20address%20sharing%20in%20public%20education&text=In%20at%20least%2024%20states,Or%20download%20it%20here.>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **NONE**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

No school districts in Michigan are required to offer within-district open enrollment. However, there are two circumstances in which within-district open enrollment may be offered. First, the superintendents of school districts that have been unaccredited for three consecutive years must choose among a set of measures, one of which is allowing families to send their children "to any accredited public school... within the school district."⁴

Second, each district "shall determine whether or not it will accept applications for enrollment by nonresident applicants residing within the same intermediate district for the next school year."⁵ Districts that choose to offer within-district open enrollment must follow certain procedures laid out in law.⁶ These procedures do not require schools to reserve capacity for nonresident students, to use a lottery in the case of demand exceeding capacity, or to establish an appeals process.

⁴ [https://www.legislature.mi.gov/\(S\(twzmtnwwgmas4z2clearhq4r\)\)/mileg.aspx?page=getObject&objectName=mcl-380-1280](https://www.legislature.mi.gov/(S(twzmtnwwgmas4z2clearhq4r))/mileg.aspx?page=getObject&objectName=mcl-380-1280) (13)(b)

⁵ [https://www.legislature.mi.gov/\(S\(famhb2a3hu4gdtwvxrqaqfef\)\)/mileg.aspx?page=GetObject&objectname=mcl-388-1705](https://www.legislature.mi.gov/(S(famhb2a3hu4gdtwvxrqaqfef))/mileg.aspx?page=GetObject&objectname=mcl-388-1705) (2)

⁶ [https://www.legislature.mi.gov/\(S\(famhb2a3hu4gdtwvxrqaqfef\)\)/mileg.aspx?page=GetObject&objectname=mcl-388-1705](https://www.legislature.mi.gov/(S(famhb2a3hu4gdtwvxrqaqfef))/mileg.aspx?page=GetObject&objectname=mcl-388-1705)

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO**
- D5. Families can access a school regardless of whether their “home district” approves **ALWAYS**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **YES**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Each district may determine whether it will accept nonresident applicants;⁷ however, if a district “does not comply with this section, the district forfeits 5% of the total state aid allocation to the district.”⁸ If there are more applicants than available seats, districts must use a “random draw system” to enroll students.⁹ In order for a district to enroll a nonresident pupil “who is eligible for special education programs and services according to statute or rule, or who is a child with disabilities... the enrolling district shall have a written agreement with the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education.”¹⁰

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Michigan’s charter schools have rules for enrollment that are based, in part, on which entity authorizes the schools. When districts authorize the school it “may” be open to “all individuals who reside in this state who meet the admission policy” and must be “open to all [cont.→]

⁷ [https://www.legislature.mi.gov/\(S\(xnfs2nxmj03tpnjoendhw5qy\)\)/mileg.aspx?page=getObject&objectName=mcl-388-1705c](https://www.legislature.mi.gov/(S(xnfs2nxmj03tpnjoendhw5qy))/mileg.aspx?page=getObject&objectName=mcl-388-1705c)
⁸ [https://www.legislature.mi.gov/\(S\(xnfs2nxmj03tpnjoendhw5qy\)\)/mileg.aspx?page=getObject&objectName=mcl-388-1705c](https://www.legislature.mi.gov/(S(xnfs2nxmj03tpnjoendhw5qy))/mileg.aspx?page=getObject&objectName=mcl-388-1705c) (19)
⁹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-388-1705C> (13)
¹⁰ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-388-1705C> (18)

pupils who reside within the geographic boundaries of the authorizing body.”¹¹ For a charter authorized by a community college on a military base, enrollment is open to “all pupils who reside in the county” on which the base is located.¹² Charter schools authorized by state universities are open to all state residents, subject to the admissions policy.¹³ Charter schools cannot discriminate in their admissions “on the basis of intellectual or athletic ability, measures of achievement or aptitude...”¹⁴

Priorities for enrollment can be given to siblings of enrolled students, children of employees, and, subject to certain conditions, students in another public school with a “matriculation agreement” with the charter school. One condition of matriculation agreements is that at least 5% of the charter school’s potential enrollment remains available through its “random selection process.”¹⁶

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

¹¹<https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-380-504>

¹²[Ibid.](#)

¹³[Ibid.](#)

¹³Foster, Graziano, and Squire, “Horace Mann Charter Schools: Their Past, Present, and Promise,” (n).

¹⁴<https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-380-504> (2)

¹⁵§§ 388.504(4)(a), (b) & (c).

¹⁶§§ 388.504(4)(b)(ii).

MINNESOTA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

A 1993 decision of the Minnesota Supreme Court found that the constitution provides citizens with a “fundamental right” to “a general and uniform system of public schools.”¹ This ruling could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Minnesota requires school districts to provide education services to every school-age child living within the district and assign children to schools as appropriate.² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

State law does not explicitly criminalize or decriminalize address sharing.³

There are no general state statutes governing admissions for all public schools.

¹ [Skeen v. Minnesota \(1993\)](#)

² [Minn. Stat. § 123B.02](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>.

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Minnesota state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Minnesota state law requires districts to participate in cross-district open enrollment.⁴ Districts may limit nonresident enrollment to 1% of total enrollment in each grade level or the number of resident students who have enrolled outside the district, whichever is less.⁵ [cont.→]

⁴ MN Stat § 124D.03

⁵ Ibid.

Students interested in cross-district open enrollment must receive approval from both their home district and the receiving district. State law allows receiving districts to reject applications for reasons of capacity, except for students receiving special education services. If more students apply for seats in a specific grade level than available, the district is required to hold an “impartial lottery,” giving priority to siblings currently enrolled in the district, students applying as part of an approved integration and achievement plan, children of district staff, and students who reside in a municipality that doesn’t operate a school building or is located within the boundaries of at least five school districts.⁶

Tuition for students participating in cross-district open enrollment is covered by Minnesota’s general education aid.⁷

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Minnesota charter schools must be open to any student residing in the state; however, admission can be limited to eligible students who participate in the state’s graduation incentives program or “residents of a specific geographic area” where the school is located “when the majority of the students served are members of underserved populations.”⁸ Charter schools are required to use a lottery when there are more applicants than available seats. All charters must give preference to siblings of current students and may give preference to children of the school’s staff. Charter schools “may not limit admission... on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability.”⁹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁶ Ibid.
⁷ [Minn. Stat. § 127A.47, Subd. 7](#)
⁸ [MN Stat § 124E.11](#)
⁹ Ibid..

MISSISSIPPI

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Mississippi's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The Legislature shall, by general law, provide for the establishment, maintenance, and support of free public schools upon such conditions and limitations as the Legislature may prescribe."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **YES**

Mississippi state law gives school districts "the power and authority to designate the particular school or attendance center of the district" each student will attend.² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Mississippi law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ [Miss. Const.](#) art. 8, § 201.

² [Miss. Code Ann. § 37-15-13](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Mississippi state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **SOME**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Mississippi state law allows for limited cross-district open enrollment. If a school is closer to a student's home (less than 30 miles) via bus transportation but located in an adjacent district, the student has a right to attend that school.⁴ If there is a disagreement about the mileage required to transport a child between their home and the school, parents can appeal to the Mississippi Department of Education.

A student can also attend an out-of-district public school if a parent works at a school but lives in another district. The parent's child has a right to attend the school in the district where they work, upon the "mutual consent of the school boards of all school districts concerned."⁵

⁴ [Miss. Code Ann. § 37-15-29](#)

⁵ [Miss. Code Ann. § 37-15-31](#)

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Mississippi charter schools must be open to “any student residing in the geographical boundaries of the school district” where the charter school is located and any student residing in the geographical boundaries of a school district rated “C,” “D,” or “F” at the time the charter school was approved or at the time the student enrolls.⁶ Conversion charter schools must give preference to students who reside in the former public school’s attendance area.⁷

Charter schools are required to use a lottery when there are more applicants than available seats. All charters must give preference to students enrolled in the previous school year, siblings of current students, and underserved children. Charter schools may also give preference to children of the school’s founders, governing board members, and full-time employees, as long as they do not compose more than 10% of the school’s enrollment. Charter schools “may not limit admission based on... academic or athletic ability.”⁹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁶ [Miss. Code Ann. § 37-28-23](#)

⁷ *Ibid.*

⁹ *Ibid.*

MISSOURI

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **NO**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **NO MENTION**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **SOME**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **SOMETIMES**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Missouri's state constitution states, "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law."¹ There is no language in the state constitution that suggests it protects an individual student's right to access.

There are no general state statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **NO**
- B2. School assignment is based on residence in a geographic zone **NO MENTION**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

No state law was found delegating power to school districts to determine which schools students will attend nor whether school assignment must be based on residence in a geographic zone. There is no mention in state law of an appeals process for families unhappy with their traditional public school assignment.

Under Missouri law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.²

¹ [Mo. Const.](#) art. IX, § 1(a).

² Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

C1. State law addresses within-district open enrollment	YES
C2. Districts are required to offer within-district open enrollment	SOME
C3. State requires schools/districts to reserve capacity for nonresident students	NO
C4. Families can access a school without the approval of their “home school”	SOMETIMES
C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats	NO
C6. There is an appeals process if a student, who otherwise meets requirements, a is denied enrollment in in a district school	NO

Missouri law allows for enrollment option plans “whereby two school districts establish a cooperative agreement to send and receive each other’s students.”³ The law requires the state Board of Education to direct the state Department of Education “to develop guidelines for the establishment of enrollment option plans” for local school districts “that will be sending or receiving districts.”⁴ Participating districts must give priority to students who are residents within the district before enrolling nonresident students.⁵ There are several limitations placed on open enrollment under this statute, including district capacity limits by grade level, school building, and education program and limits on the number and frequency of times a student can change enrollment in enrollment option districts.⁶

In addition to the enrollment option plans, students who are in unaccredited schools (or schools with an annual performance report “consistent” with being unaccredited) can apply for a within-district transfer.⁷ Students in such schools may seek admission to an “academically selective school,” a school with a “competitive entrance process,” or a “magnet school” in the district, provided they can meet that school’s admission requirements.⁸ Each school district manages within-district transfers under this provision, and students can transfer to any school that is accredited and has capacity.⁹ Any district with an unaccredited school must report to the state how many seats it has in accredited schools, how many students apply to transfer to accredited schools, and how many transfers are granted.¹⁰

If the district lacks capacity for a transfer, the student can seek a cross-district transfer.

³ [Rev. Stat. Mo. § 162.1042](#)

⁴ [Rev. Stat. Mo. § 162.1045](#)

⁵ *Ibid.*

⁶ *Ibid.*

⁷ [Rev. Stat. Mo. § 167.895](#)

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

D1. State law addresses cross-district open enrollment	YES
D2. Districts are required to participate in cross-district open enrollment	SOME
D3. State requires schools/districts to reserve capacity for nonresident students	NO
D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints	YES
D5. Families can access a school regardless of whether their “home district” approves	SOMETIMES
D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats	NO
D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district	SOMETIMES
D8. Cross-district open enrollment is tuition-free for families	ALWAYS

Missouri law allows for enrollment option plans “whereby two school districts establish a cooperative agreement to send and receive each other’s students.”¹¹ The law requires the state Board of Education to direct the state Department of Education “to develop guidelines for the establishment of enrollment option plans” for local school districts “that will be sending or receiving districts.”¹² Guidelines must include district capacity limits by grade level, school building, and education program and any limits on the number and frequency of times a student can change enrollment in enrollment option districts. Nonresident districts can reject nonresident student applications if the student resides more than ten miles outside of the nonresident district.¹³ Districts must give priority to students who are residents within the district before enrolling nonresident students.¹⁴ The law says a student can’t be excluded solely based on “handicapping conditions,”¹⁵ which suggests district capacity could be a reason to deny students with disabilities a cross-district transfer.

Tuition for students participating in cross-district open enrollment is covered by Missouri’s state education aid.¹⁶

In addition to the enrollment option plans, students who are in unaccredited schools (or schools with an annual performance report “consistent” with being unaccredited) can apply for a cross-district transfer; however, they must first seek a within-district transfer.¹⁷ Students who are unable to transfer cross-district due to lack of capacity can apply for a cross-district transfer to an accredited school (or a school with a performance report consistent with accreditation) in another district located in an adjoining county.¹⁸ The state manages the systems of cross-district transfer and “assign[s]” students based in part on the [cont.→]

¹¹[Rev. Stat. Mo. § 162.1042](#)

¹²[Rev. Stat. Mo. § 162.1045](#)

¹³[Rev. Stat. Mo. § 162.1045](#); [Rev. Stat. Mo. § 162.1052](#)

¹⁴[Rev. Stat. Mo. § 162.1045](#)

¹⁵[Ibid.](#)

¹⁶[Rev. Stat. Mo. § 162.1057](#)

¹⁷[Rev. Stat. Mo. § 167.895](#)

¹⁸[Ibid.](#)

information it receives from districts (and charter schools) on available capacity.¹⁹ The department is required to pick an available school if a child who lives in the same household or is a “family member within the first or second degree of consanguinity or affinity” is already enrolled; after that, it considers other factors including the student’s or parent’s choice, the best interests of the student, the availability of transportation funding, the distance, and travel time involved. The department cannot consider student academic performance, free and reduced lunch status, or athletic ability.²⁰ Parents may seek assignment to a specific building, but final selection of a building may still rest with a district or charter school organization that manages multiple available sites.²¹

When a cross-district transfer is denied by a receiving district, the student may appeal to the state Department of Education.²²

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Charter schools in Missouri must enroll all students in the district where they operate, non-district resident students eligible to attend district school under an urban voluntary transfer program, and nonresident students who transfer from an unaccredited district.²³ Charter schools may give admission preferences to students who reside in an established geographical area around the school, children of siblings attending the school or whose parents are employed at the school, or students identified as high-risk or free and reduced-price lunch eligible. Charter schools in Missouri “shall not limit admission based on... athletic ability.”²⁴

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

¹⁹[Rev. Stat. Mo. § 167.898](#)

²⁰Ibid.

²¹Ibid.

²²[Rev. Stat. Mo. § 167.895](#)

²³[Rev. Stat. Mo. § 160.410](#)

²⁴Ibid.

MONTANA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Montana's state constitution states, "It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."¹

In 1989, the Montana Supreme Court found in *Helena Elementary School District v. Montana* (1989) that the state had a constitutional responsibility to equitably fund education.² The constitutional language "equality of educational opportunity is guaranteed to each person of the state" and the state Supreme Court's ruling could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Montana state law requires the trustees of a school district to "assign and admit a child to a school in the district."³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Montana law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁴

¹ [Mont. Const. art. 10, § 1.](#)

² [Helena Elem. Sch. Dist. v. Montana](#), 236 Mont. 44; 769 P.2d 684 (1989).

³ [Mont. Code Ann. § 20-5-101\(1\)\(b\)](#)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Montana state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **SOME**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Montana law establishes mandatory cross-district open enrollment under the following circumstances: 1) a student resides more than three miles from their resident school district and the district does not provide transportation and there is a school in another district closer to the student’s home; 2) the student resides in a location where geographic conditions make it impractical to attend school in the district of residence, e.g., a) travel time by bus is greater than one hour, greater than 40 miles one way on a dirt road, or greater than 60 miles one way over the shortest passable route or b) a geographic barrier such as a river or mountain pass causes a hazard preventing safe travel.⁵ [cont. →]

⁵ [Mont. Code Ann. § 20-5-321](#)

Under this provision, districts must approve out-of-district attendance agreements. The only exception is for a nonresident student with a disability “whenever they find that, because of insufficient room and overcrowding, the accreditation of the school would be adversely affected...”⁶

A student who does not meet the above criteria can still participate in open enrollment if the resident district enters an agreement with a nonresident district. Districts can prioritize applications “on any rational basis.” Parents can appeal to the county superintendent and the superintendent of public instruction.⁷

Tuition for students participating in cross-district open enrollment is paid by the resident district.⁸

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Charter schools in Montana “must be open to any student residing in the state.”⁹ Charter schools are required to use a lottery when there are more applicants than available seats. Enrollment preference must be given to students who are residents of the district where the charter school is located and can be given to students enrolled in the school the previous year and to students already enrolled in the school, and children of members of the charter school’s governing board and full-time employees as long as they do not make up more than 10% of the school’s total population.¹⁰

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet schools.

⁶ Ibid.
⁷ [Mont. Code Ann. § 20-5-320](#)
⁸ [Mont. Code Ann. § 20-5-323](#)
⁹ [Mont. HB 549, Section 8](#)
¹⁰ Ibid.

NEBRASKA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **SOME**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **N/A**
- ▶ E2. Charter schools may have selective admissions policies **N/A**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **N/A**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **N/A**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **YES**
- ▶ F2. Magnet schools may have selective admissions **NO MENTION**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **YES**

Nebraska's constitution states, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof."¹ The language "free instruction in the common schools of this state of all persons..." could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

Nebraska statute requires the state Department of Education to "establish procedures and criteria for collecting enrollment, admission, and related information needed for any student to attend a school district in this state..."²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Nebraska state law requires that any student be admitted into any school district where they are a resident.³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

The state does not explicitly criminalize or decriminalize address sharing.⁴

¹ Neb. Const. art. VII, § 1.

² [Neb. Rev. Stat. Ann § 79-215](#).

³ Ibid.

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, a is denied enrollment in in a district school **N/A**

Nebraska state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **YES**
- D5. Families can access a school regardless of whether their "home district" approves **SOMETIMES**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **SOME**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **SOMETIMES**
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

There are three cross-district open enrollment options under Nebraska law: the Enrollment Option Program, districts that are part of a learning community, and an agreement between two school districts.

The Enrollment Option Program allows any student to apply for enrollment to a school outside of their home district.⁵ Students can only take advantage of this option one time during their K-12 education. Under the Enrollment Option Program, capacity for special education services operated by an option school district shall be evaluated on a case-by-case basis by the director of special education services of the school district, who "shall determine if the school district and the appropriate class, grade level, or school building in such school district has the capacity to provide the applicant the appropriate services and accommodations."⁶ [cont.→]

⁵ [Neb. Rev. Stat. Ann § 79-234](#)

⁶ [Neb. Rev. Stat. Ann § 79-238](#)

Under the Enrollment Option Program, students can enroll without the permission of their home district unless they submit their application after the legislatively imposed March 15 deadline.⁷ Then, the student will need the approval of their home district.

Students can appeal a rejection from the option school district or the home school district to the state Board of Education.⁸

Districts that are part of a learning community are defined as a political subdivision that shares the territory of member school districts and that is governed by a learning community coordinating council.⁹ This open enrollment option is part of a socioeconomic diversity plan. A learning community school identified as a focus school under a diversity plan must use a random process to select students for open enrollment.¹⁰

Students participating in either of these open enrollment options can participate in open enrollment without paying tuition.¹¹

Nebraska law also allows districts to “admit nonresident students to the school district pursuant to a contract with the district where the student is a resident and shall collect tuition pursuant to the contract.”¹²

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **N/A**
- E2. Charter schools may have selective admissions policies **N/A**
- E3. Charters may or must establish enrollment preferences or priorities **N/A**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **N/A**

Nebraska does not have charter schools.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **YES**
- F2. Magnet schools may have selective admissions **NO MENTION**

Under Nebraska law, magnet schools have “a home attendance area but which reserves a portion of its capacity specifically for students from outside the attendance area who will contribute to the socioeconomic diversity of the student body...”¹³

⁷ [Neb. Rev. Stat. Ann § 79-237](#)

⁸ [Neb. Rev. Stat. Ann § 79-239](#)

⁹ [Neb. Rev. Stat. Ann § 79-2110](#)

¹⁰ *Ibid.*

¹¹ [Neb. Rev. Stat. Ann § 79-215](#)

¹² *Ibid.*

¹³ [Neb. Rev. Stat. Ann § 79-769](#)

NEVADA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **N/A**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Nevada's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year, and any school district which shall allow instruction of a sectarian character therein may be deprived of its proportion of the interest of the public school fund during such neglect or infraction, and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Nevada state law requires families to "send the child to a public school during all the time the public school is in session in the school district in which the child resides."² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Nevada law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ Nev. Const. Art. 11, § 1.

² Nev. Rev. Stat. Ann. § 392.040(1).

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, a is denied enrollment in in a district school **N/A**

Nevada state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **SOME**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their “home district” approves **NEVER**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Nevada’s open enrollment statute says that “the board of trustees of any school district may, with the approval of the Superintendent of Public Instruction, admit to the school or schools of the school district any pupil or pupils living in an adjoining school district within the state or in an adjoining state” when the school district of the resident adjoins the Nevada school district.⁴

The board of trustees for the school district where the student resides must pay tuition costs for students admitted to an adjoining school district.

A student on a reservation in two or more counties must be allowed to attend the school nearest to their residence, regardless of the student’s resident school district.⁵ [cont.→]

⁴ [Nev. Rev. Stat. Ann. § 392.010](#)

⁵ [Nev. Rev. Stat. Ann. § 392.015](#)

Open enrollment for students “living in an adjoining school district” within the state or “in an adjoining state when the school district of residence in the adjoining state adjoins the receiving Nevada school district” must be approved by the superintendent of public instruction.⁶ The board of trustees for the sending and receiving districts must “enter into an agreement providing for the payment of such tuition as may be agreed upon.”⁷

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **N/A**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

Nevada charter schools must enroll all eligible students who reside in the state.⁸ Charter schools are required to use a lottery when there are more applicants than available seats. Charter schools may prioritize enrolling students who 1) are siblings of students currently enrolled, 2) were enrolled in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school, 3) are the child of a person employed by the charter school, a member of the committee to form the charter school, or a member of the governing body, 4) are the child of a person who resides on or is employed on a federal military installation if the charter school is located on one, 5) are enrolled in a charter school with an articulation agreement, 6) meet the criteria for an at-risk category, 7) are enrolled in a public school of a district with an enrollment that is more than 25% over the school's capacity, 8) are enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance, or 9) reside within a school district within two miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk.⁹

Traditional public schools in Nevada are prohibited from converting to public charter schools.¹⁰ However, a district board of trustees *can* enforce an attendance zone for charter schools within the district.¹¹

⁶ [Nev. Rev. Stat. Ann. § 392.010](#)

⁷ Ibid.

⁸ [Nev. Rev. Stat. Ann. § 338A.453](#)

⁹ [Nev. Rev. Stat. Ann. § 388A.456](#)

¹⁰ [Nev. Rev. Stat. Ann. § 388A.080](#)

¹¹ [Nev. Rev. Stat. Ann. § 388A.453](#)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

NEW HAMPSHIRE

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **SOMETIMES**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **SOMETIMES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **NO**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

New Hampshire's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools..."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

New Hampshire state law requires families to ensure their child "attend the public school to which the child is assigned in the child's resident district."² The law does not prescribe how districts must assign students to schools.

Families unhappy with their traditional public school assignment can request a "change of school assignment" when they believe it is "in the best interest of the student."³ Parents can "present documents, witnesses, or other relevant evidence supporting the parent's belief" the student would be better served at another school.⁴ The district superintendent can initiate a change of assignment inside or outside the district of residence. If a student's assignment is changed to another school district, the school board "shall approve the payment of tuition."⁵ If a change in assignment is denied, parents can appeal to the district school board and to the state Board of Education if they can demonstrate "manifest educational hardship."⁶ Total transfers in one year are limited to no more than 1% of a district's average daily [cont.→]

¹ [N.H. Const. Pt. 2, art. 83](#)

² [N. Hamp. Rev. Stat. Ann. § 193-1](#)

³ [N. Hamp. Rev. Stat. Ann. § 193-3](#)

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

membership or 5% of the average daily membership of any one school, whichever is greater. School boards can, however, vote to exceed this limit.⁷

The state does not explicitly criminalize or decriminalize address sharing.

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

C1. State law addresses within-district open enrollment	YES
C2. Districts are required to offer within-district open enrollment	NONE
C3. State requires schools/districts to reserve capacity for nonresident students	NO
C4. Families can access a school without the approval of their “home school”	SOMETIMES
C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats	NO
C6. There is an appeals process if a student, who otherwise meets requirements, a is denied enrollment in in a district school	SOMETIMES

New Hampshire allows any school district to “vote to designate one or more of its schools as an open enrollment school.”⁹ Districts choosing to operate open enrollment schools can “predetermine” the number of nonresident students they will enroll.¹⁰ Resident students and dependent children of “active military personnel whose move resulted from military orders” are given “absolute admission preference over nonresident” students.¹¹ Open enrollment schools are allowed to select students “on the basis of aptitude, academic achievement, or need, provided that such selection is directly related to the academic goals of the school.”¹² A lottery is required if the number of applicants exceeds available seats (if there is no selective enrollment policy).

The law only specifies that a resident school district “shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school in any school district.”¹³ Otherwise, a school district can “impose limitations on the number of its resident pupils who may attend open enrollment schools located inside and outside the school district... represented as any percentage between zero and 100 percent of the school district’s current pupil enrollment.”¹⁴

⁷ Ibid.
⁸ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>
⁹ N. Hamp. Rev. Stat. Ann. § 194D:2
¹⁰ Ibid.
¹¹ Ibid.
¹² N. Hamp. Rev. Stat. Ann. § 194D:4
¹³ N. Hamp. Rev. Stat. Ann. § 194D:2
¹⁴ N. Hamp. Rev. Stat. Ann. § 194D:3

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- | | |
|---|-------------------|
| D1. State law addresses cross-district open enrollment | YES |
| D2. Districts are required to participate in cross-district open enrollment | NONE |
| D3. State requires schools/districts to reserve capacity for nonresident students | NO |
| D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints | NO MENTION |
| D5. Families can access a school regardless of whether their “home district” approves | SOMETIMES |
| D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats | YES |
| D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district | SOMETIMES |
| D8. Cross-district open enrollment is tuition-free for families | SOMETIMES |

Cross-district open enrollment is governed by the same statutes described above.

It is unclear from New Hampshire’s open enrollment law whether districts can charge nonresident students tuition. The law explicitly states that “there shall be no tuition charge” only for students attending an open enrollment school within their district; however, it further states that “a sending district may provide funds... to an open enrollment school... in accordance with the policies of the sending school district.”¹⁵ This language suggests that there may be circumstances where nonresident students can be charged tuition to participate in cross-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- | | |
|--|-----------------|
| E1. Charter schools are required to enforce existing attendance zones | NONE |
| E2. Charter schools may have selective admissions policies | ALLOWS |
| E3. Charters may or must establish enrollment preferences or priorities | REQUIRES |
| E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats | YES |

New Hampshire’s charter schools must accept qualified pupils from any school district in the state, with “absolute admission preference” given to students who are residents of the district where the school is located.¹⁶ Charter schools are allowed to have selective admissions policies based on “aptitude, achievement, or needs.”¹⁷ Charter schools are required to use a lottery when there are more applicants than available seats, if there is no selective enrollment policy.¹⁸

¹⁵[N. Hamp. Rev. Stat. Ann. § 194D:5](#)

¹⁶[N. Hamp. Rev. Stat. Ann. § 194D:2](#)

¹⁷Ibid.

¹⁸[N. Hamp. Rev. Stat. Ann. § 194B:9](#)

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

NEW JERSEY

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

New Jersey's constitution states, "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years."¹

The New Jersey State Supreme Court's decision in *Robinson v Cahill* (1973) found that "a thorough and efficient system of free public schools for the instruction of all the children in the state between the ages of five and eighteen years" promises equal educational opportunity for all children in the state.² This finding could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

New Jersey law opens public schools to any person between 5 and 20 years of age "domiciled within the school district."³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under New Jersey law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁴

¹ [N.J. Const.](#), art. 8, § IV, ¶ 1.

² *Robinson v. Cahill* (1973)

³ [N.J. Stat. § 18A:38-1\(a\)](#)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

New Jersey state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

New Jersey law requires the commissioner of education to “establish an interdistrict public school choice program which shall provide for the creation of choice districts.”⁵ Interested districts must apply to the commissioner to be a choice district.⁶ Choice districts can limit enrollment based on capacity and are required to hold a lottery if there are more applicants than seats available.⁷ Choice districts can reject the application of special education students “if that student’s individualized education program could not be implemented in the district or if the enrollment of that student would require the district to fundamentally alter the nature of its education program or would create an undue financial or administrative burden on the district.”⁸ [cont. →]

⁵ [N.J. Stat. Ann. § 18A:36B-16](#)

⁶ [N.J. Stat. Ann. § 18A:36B-17](#)

⁷ [N.J. Stat. Ann. § 18A:36B-20](#)

⁸ *Ibid.*

A school board can, by resolution, “restrict enrollment of its students in a choice district to a maximum of 10% of the number of students per grade level per year... and 15% of the total number of students enrolled...”⁹ Such resolutions must be approved by the commissioner “upon a determination that the resolution is in the best interest of the district’s students and that it will not adversely affect the district’s programs, services, operations, or fiscal conditions” or impact “the diversity of the remainder of the student population in the district who do not participate in the choice program.”¹⁰

Any student denied enrollment in a choice district can appeal to the commissioner.¹¹

Tuition for students participating in cross-district open enrollment is covered by New Jersey’s state education aid.¹²

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

E1. Charter schools are required to enforce existing attendance zones	NONE
E2. Charter schools may have selective admissions policies	ALLOWS
E3. Charters may or must establish enrollment preferences or priorities	REQUIRES & ALLOWS
E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats	YES

New Jersey charter schools are open to all students in the state but must give preference to students who reside in the district where the charter school is located or who were enrolled in the school in the previous school year.¹³ They may give preference to siblings of current students enrolled at the school. If space is available, they may then enroll nonresident students.¹⁴

Charter schools are required to use a “random selection process” when there are more applicants than available seats.¹⁵ Charter schools in New Jersey cannot “discriminate... on the basis of intellectual or athletic ability, measures of achievement or aptitude...” but they can limit admission to areas of concentration, such as math or science.¹⁶ Charter schools are allowed to “establish reasonable criteria.”¹⁷

⁹ [N.J. Stat. Ann. § 18A:36B-21](#)

¹⁰ *Ibid.*

¹¹ [N.J. Stat. Ann. § 18A:36B-20](#)

¹² *Ibid.*

¹³ [N.J. Stat. Ann. § 18A:36A-8](#)

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ [N.J. Stat. Ann. § 18A:36A-7](#)

¹⁷ *Ibid.*

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

NEW MEXICO

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **NO MENTION**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

New Mexico's state constitution states, "A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained."¹ The language "free public schools sufficient for the education of, and open to, all the children" could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

New Mexico law requires local school boards to adopt "rules governing enrollment and re-enrollment at public schools," including "the definition of the school district boundary and the boundaries of attendance areas for each public school."² The law further states that local school boards prioritize students residing in the district and within the attendance area for enrollment.³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

The state does not explicitly criminalize or decriminalize address sharing.⁴

¹ [NM Const art XII § 1](#)

² [N.M. Stat. Ann. § 22-1-4](#)

³ *Ibid.*

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

New Mexico law requires local school boards to adopt rules governing enrollment, including establishing priorities for enrollment.⁵ The priorities required by the law are 1) students living in the district and existing in the attendance area, 2) students who previously attended the school, and 3) all other applicants. "All other applicants" is interpreted to mean students within the district but outside the attendance area and students outside the district.

Districts can establish a maximum allowable class size, if smaller than allowed by law, and adopt a waiting list if applicants exceed available seats.

Students can only appeal a denial of within-district enrollment if their application was denied due to being expelled from any school district or private school or because their behavior has been deemed "detrimental to the welfare or safety of other students or employees."⁶

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **NO MENTION**

[cont.→]

⁵ [N.M. Stat. Ann. § 22-1-4](#)

⁶ *Ibid.*

Cross-district open enrollment is governed by the same statutes as within-district open enrollment.”⁷

The law does not indicate who is responsible for tuition.

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Start-up charter schools can enroll all students on a first-come, first-serve basis or through a lottery if there are more applicants than seats available.⁸ After the initial year, charter schools are required to give enrollment preference to students enrolled previously, children of employees, and siblings of students already admitted or attending the school.

Conversion charter schools are required to “give enrollment preference to students who are enrolled in the public school at the time it is converted into a charter school and to siblings of students admitted to or attending the charter school.” Schools can enroll all students on a first-come, first-serve basis or through a lottery if there are more applicants than seats available.

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ Ibid.
⁸ Ibid.
⁹ [N.M. Stat. Ann. § 22-8B-4.1](#)
¹⁰ Ibid.

NEW YORK

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **NEVER**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

The New York State Constitution says, "The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated."¹ The language "a system of free public schools, wherein all the children of this state may be educated" could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

New York state law entitles persons between 5 and 21 years of age "to attend the public schools maintained in the district" where they reside.² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under New York law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ [NY Const](#) art XI

² [NY Educ L § 3202](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school **N/A**

New York state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO**
- D5. Families can access a school regardless of whether their "home district" approves **NEVER**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **NEVER**

New York state law allows districts to admit nonresident students "upon the consent of the trustees or the board of education, upon terms prescribed by such trustees or board."⁴ Districts are required to collect tuition from nonresident students.⁵ If a child with a disability is denied entrance into a school, the family has the right to a due process hearing with an impartial hearing officer.⁶

⁴ [NY Educ L § 3202](#)

⁵ *Ibid.*

⁶ Private communication from the New York State Department of Education

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

New York charter schools are open to any student in the state who qualifies for traditional public schools. Charter schools are prohibited from admitting students based on intellectual ability or measures of achievement or aptitude.⁸ Schools are required to use a lottery when there are more applicants than available seats. Enrollment preferences must be given to students who attended the charter school in the previous year and students who reside in the district where the charter school is located, as well as siblings of students enrolled in the charter school.⁹ Preferences can also be given to children of employees of the charter school or charter management organization so long as they are not more than 15% of total enrollment.¹⁰

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ [NY Educ L § 2854](#)

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

NORTH CAROLINA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

North Carolina's Bill of Rights states, "The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right."¹ Furthermore, the state constitution holds that "the General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students."² Lastly, in 1997 the North Carolina Supreme Court found a constitutional right to "an opportunity to receive a sound basic education in our public schools," which it defined as a "qualitatively adequate education."³

The bill of rights, constitution, and ruling by the state Supreme Court could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

North Carolina law states that "all students under the age of 21 years who are domiciled in a school administrative unit... are entitled to all the privileges and advantages of the public schools to which they are assigned by the local boards of education."⁴ The law does not prescribe how districts must assign students to schools; however, families dissatisfied with the assignment made by a local board of education "may... apply in writing to the local board of education for the reassignment of the child to a different public school."⁵

Under North Carolina law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁶

¹ N.C. Const. art. I, § 15.

² N.C. Const. art. IX, § 2.

³ *Leandro v. N.C. State Bd. of Educ.*, 488 S.E.2d 249, 255 (N.C. 1997).

⁴ N.C. Gen. Sta. § 115C-366(a).

⁵ N.C. Gen. Sta. § 115C-369.

⁶ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

North Carolina state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

North Carolina law allows students residing in one district to attend a public school in a different district "with or without the payment of tuition... upon the terms and conditions agreed to in writing between the local boards of education."⁷ The agreements must be renewed annually.

⁷ [N.C. Gen. Sta. § 115C-366\(d\)](#).

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

North Carolina charter schools are open to any student in the state who qualifies for admission to a traditional public school.⁸ The law does not permit charter school admissions to be determined by the attendance area where a student resides, with the exception that traditional public schools that convert to charter schools “shall give admission preference to students who reside within the former attendance area of that school.”⁹ Charter schools are prohibited from limiting “admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, or disability.”¹⁰

Charter schools are required to use a lottery when there are more applicants than available seats.¹¹ Charter schools may give enrollment priority to siblings of enrolled or admitted students; students enrolled in a preschool program operated by the charter school in the previous year; children or grandchildren of full-time charter school employees, employees of the education management organization or charter management organization for the charter school, or members of the school’s board of directors (not more than 15% of the school’s total enrollment); students whose parents or legal guardian are active duty military personnel; and students enrolled in another charter school in the state in the previous school year.¹²

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁸ [N.C. Gen. Sta. § 115C-218.45.](#)

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

NORTH DAKOTA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **N/A**
- ▶ E2. Charter schools may have selective admissions policies **N/A**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **N/A**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **N/A**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **N/A**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access
- A2. General state statutes exist governing admissions for all public schools

ARGUABLY
NO

North Dakota's state constitution says, "A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to ensure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota."¹

In a 1994 school finance case, the North Dakota Supreme Court affirmed education to be a constitutional right and that the funding system at the time did "not bear a close correspondence to the goals of providing an equal educational opportunity and of supporting elementary and secondary education from state funds based on educational costs per pupil." Three of the five judges ruled that the funding system was unconstitutional, but the state constitution specifies that four of five judges must agree for a state law to be declared unconstitutional.²

The constitutional language "establishment and maintenance of a system of public schools which shall be open to all children" and the court ruling could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

A state statute specifies that "each public school must be free, open, and accessible at all times to any child."³

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend
- B2. School assignment is based on residence in a geographic zone
- B3. The state criminalizes address sharing
- B4. There is an appeals process for families unhappy with their traditional public school assignment

YES
ALLOWS
MAYBE
NO

North Dakota law requires local boards of education for school districts to "establish a system of free public schools for all children of legal school age residing in a district" and to "adopt rules regarding the instruction of students, including their admission, transfer, organization, grading, and government."⁴ The law does not prescribe how districts must assign [cont.→]

¹ N.D. Const., art. VIII, § 1.

² *Bismarck Public School v District No. 1 v. State (1994)*

³ [N.D. Cent. Code § 15.1-09-33\(17\)](#).

students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

State law does not explicitly criminalize or decriminalize address sharing.⁵

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

North Dakota state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

North Dakota law requires the board of each school district to “set standards for the acceptance and denial of applications for admittance” of nonresident students under open enrollment.⁶ The standards can address the capacity of a program, grade level, or school building but cannot address previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency, or previous disciplinary proceedings.⁷[cont. →]

⁵ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

⁶ [N.D. Cent. Code § 15.1-31-06](#)

⁷ *Ibid.*

Families can “file an appeal with the county superintendent of schools” if their petition for open enrollment is denied.⁸

Parents can be required to pay tuition in rare cases, but tuition is almost always covered by the student’s home district, which reimburses the receiving district.⁹

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment? E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **N/A**
- E2. Charter schools may have selective admissions policies **N/A**
- E3. Charters may or must establish enrollment preferences or priorities **N/A**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **N/A**

North Dakota does not have charter schools.

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **N/A**
- F2. Magnet schools may have selective admissions **N/A**

North Dakota does not have magnet schools.

⁸ [N.D. Cent. Code § 15.1-29-05](#)

⁹ [N.D. Cent. Code § 15.1-29-07](#)

OHIO

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Ohio's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The General Assembly shall make such provisions, by taxation, or otherwise, as... will secure a thorough and efficient system of common schools throughout the state."¹

There are no general state statutes governing admissions for all public schools..

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Ohio state law requires boards of education to "provide for the free education of the youth of school age within the district under its jurisdiction."² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

There is no law that specifically criminalizes address sharing in Ohio, but parents who misrepresent their address to enroll in a public school outside of the district where they reside have been subject to criminal prosecution under general criminal statutes.³

¹ Oh. Const. art. VI § 2.

² Oh. Rev. Code Ann. § 3313.48(A)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school **N/A**

Each board of education of a local school district is required to adopt “an open enrollment policy allowing students entitled to attend school in the district” to enroll in a school in a different district.⁴ The policy must have application procedures, means of determining capacity limits, an enrollment preference for students living in an attendance area, and procedures to “ensure that an appropriate racial balance is maintained in all schools.”⁵

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO**
- D5. Families can access a school regardless of whether their “home district” approves **SOMETIMES**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **NO**
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

Each board of education of a local district is required to adopt one of three approaches to cross-district open enrollment: 1) a policy that prohibits cross-district open enrollment other than for students who pay tuition; (2) a policy that permits nonresident enrollment from an adjacent district only, “in accordance with policy statements contained in” a board resolution; or (3) a policy that permits students from any district to apply “in accordance with” policy statements contained in a board resolution.⁶ [cont. →]

⁴ [Oh. Rev. Code Ann. § 3313.97](#)

⁵ *Ibid.*

⁶ *Ibid.*

Any cross-district open enrollment policy must include procedures including but not limited to 1) admitting students “free of any tuition obligation to the district’s schools”; 2) the establishment of capacity limits by grade level, school building, and education program; and 3) ensuring districts maintain “appropriate racial balance.”⁶ A cross-district open enrollment policy may not include requirements for academic, athletic, artistic, or other extracurricular ability or limits on special education students unless “the services described in the student’s IEP are not available in the district’s schools.”⁷ A district cannot deny or discourage its students from enrolling in another district. The home district can object in certain situations. No tuition applies if the student is accepted pursuant to the district’s interdistrict enrollment policy and the home district has not objected.⁸

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment? E. Laws governing charter school enrollment

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Charter schools in Ohio are open to any student “entitled to attend school in a school district in the state.”⁹ Admission may be open on a tuition basis for students who are not a resident of Ohio. Admission may be limited to students at a specific grade level or within a specific age group, at-risk students, students with special needs, or “to residents of a specific geographic area within the district, as defined in the contract.”¹⁰ Admissions may not be limited to students “on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability...” Discrimination is not permitted “on the basis of race, creed, color, disability, or sex...” with specific exceptions.¹¹

Charter schools are required to admit students “by lot” when there are more applicants than available seats. Preferences must be given to students who attended the school in the previous year and students who reside in the district where the school is located. Additional preferences may be given to siblings and children of full-time staff members, provided they make up less than 5% of the school’s total enrollment. Additionally, the governing authority of a charter school is responsible for establishing enrollment policies and procedures that should be part of the sponsorship agreement

7 Ibid.
 8 Ibid.
 9 [Oh. Rev. Code Ann. § 3314.06](#)
 10 Ibid.
 11 Ibid.
 12 Ibid.
 13 Ibid.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

OKLAHOMA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **SOMETIMES**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **SOME**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Oklahoma's state constitution says, "The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated."¹ The language "establish and maintain a system of free public schools wherein all the children of the State may be educated" could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Oklahoma state law entitles children between 5 and 21 years of age "to attend school free of charge in the district in which they reside."² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in in a district school **N/A**

Oklahoma state law does not mention within-district open enrollment.

¹ Okla. Const. art. XIII, § 1.

² [70 OK Stat § 1-114](#)

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **SOMETIMES**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their "home district" approves **NEVER**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **YES**
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Students are entitled to transfer to a school in a different district under Oklahoma law.³ Each school district board of education must "adopt a policy to determine the number of transfer students the school district has capacity to accept in each grade level for each school site."⁴ Districts that reach capacity are required to admit "transfer students in the order in which the district received the student transfer applications." A district is permitted to admit siblings regardless of capacity.

Parents may appeal to the receiving district's board of education if the student's application is denied. If the appeal is unsuccessful, the parent can appeal to the state Board of Education.

Districts are prohibited from charging tuition (transfer fees).⁵

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment? E. Laws governing charter school enrollment

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **SOME**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Oklahoma law requires charter schools to enroll students "whose legal residence is within the boundaries of the school district in which the charter school is located."⁶ Charter schools are required to use a lottery when there are more applicants than available seats. Enrollment preferences must be given to eligible students who reside within the boundaries [cont.→]

³ [70 OK Stat § 8-101.2](#)

⁴ Ibid.

⁵ [70 OK Stat § 8-112](#)

⁶ [70 OK Stat § 3-140.](#)

of the school district in which the charter is located.⁷ Charter schools may also designate a specific geographic area within the school district in which the charter school is located as an academic enterprise zone, limiting admissions to students who reside in that area.⁸ Academic enterprise zones serve geographic areas where at least 60% of students residing qualify for free and reduced-price lunch.⁹

Charter schools are required to enforce existing attendance zones if the students reside in the attendance area of a school or school district under a court order of desegregation, or if the school or district is party to an agreement with the USED Office for Civil Rights toward mediating alleged or proven racial discrimination.¹⁰

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

OREGON

A. Statewide laws

- ▶ A1. The state constitution protects an individual student's right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their "home school" **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their "home district" **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Oregon's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The legislative assembly shall provide by law for the establishment of a uniform and general system of common schools."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Oregon state law requires school districts to "admit free of charge to the schools of the district all persons between the ages of 5 and 19 who reside within the school district."² The law does not prescribe how districts must assign students to schools, nor is there mention in state law of an appeals process for families unhappy with their traditional public school assignment.

The state does not explicitly criminalize or decriminalize address sharing.³

¹ Ore. Const. art. VIII, § 3.

² Ore. Rev. Stat. § 339.115(1).

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Oklahoma state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Oregon allows district school boards to “contract with the district school board of any other district for the admission of pupils in schools of the other district.” Districts can limit the number of nonresident students they accept and must use an “equitable lottery selection process” when the number of applicants exceeds capacity.⁵ Priority can be given to students with siblings currently enrolled or who “attended a public charter school in the nonresident district for at least three consecutive years, completed the highest grade, and did not enroll in and attend school in another district following completion of the highest grade offered by the public charter school.”⁶ School districts are prohibited from considering whether a nonresident student seeking enrollment has an individualized education program. [cont.→]

⁴ [Ore. Rev. Stat. § 339.125](#)

⁵ [Ore. Rev. Stat. § 339.127](#)

⁶ *Ibid.*

A student's home school district must "give consent to allow a resident student to be admitted by another school district."⁷

The law does not mention an appeals process if student applications are denied, or if a student's home school district declines to give consent.

Tuition for students participating in cross-district open enrollment "shall be paid out of the school funds of the district sending such pupils."⁸

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Oregon charter schools are open to all students in the state, with priority given to "all students who reside in the school district in which the public charter school is located."⁹ Charter schools cannot limit student enrollment based on athletic ability. A charter school can implement "a weighted lottery that favors historically underserved students."¹⁰ Charter schools are required to use a lottery when there are more applicants than available seats. Charter schools that have been in operation for more than one year can give priority for admission to students enrolled in the school in the previous year, enrolled in a public preschool or prekindergarten program operated by the school, have siblings currently enrolled in the school, or qualify as at-risk.¹¹ Charter schools can also "give priority for admission to students who reside within the attendance boundaries that were in effect at the time a school district closed" a traditional public school under certain conditions.¹²

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ Ibid.
⁸ [Ore. Rev. Stat. § 339.125](#)
⁹ [Ore. Rev. Stat. § 339.125](#)
¹⁰ Ibid.
¹¹ Ibid.
¹² Ibid.

PENNSYLVANIA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Pennsylvania's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Pennsylvania state law allows any child between 6 and 21 years old to attend public schools in the district where they are a resident.² The law does not prescribe how districts must assign students to schools, nor is there mention in state law of an appeals process for families unhappy with their traditional public school assignment.

Under Pennsylvania law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ Pa. Const. art. 3, § 14..

² [24 Pa. Stat. § 13-1301.](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Pennsylvania state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Pennsylvania law allows districts to enroll nonresident students “upon such terms as it may determine.”⁴

The only instance where a student has a right to attend a school outside of their district is if they live more than two miles from the nearest school in their home district (1.5 miles for elementary students) and free public transportation isn’t provided and there is another school within two miles in a different district.⁵ In this circumstance, the student’s home district must allow them to be reassigned there (with the consent of the receiving district).

⁴ [24 Pa. Stat. Ann. § 13-1316](#)

⁵ [24 Pa. Stat. § 13-1310](#); [24 Pa. Stat. § 13-1313](#)

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Pennsylvania’s charter schools are open to all children who reside in the state.⁶ Charter schools are required to use a lottery when there are more applicants than available seats. Preferences are required for children of parents who actively participated in the development of the charter school and siblings of currently enrolled students.⁷ The law further states that “first preference shall be given to students who reside in the district or districts” where the charter school is located.⁸ Nonresident students can be admitted as space permits. Charter schools can’t discriminate on athletic ability or measures of achievement; however, they can limit enrollment to areas of concentration such as math, science, or the arts and establish reasonable criteria to evaluate prospective students, which they must outline in their charter.⁹

Pennsylvania’s charter conversion law says that districts must “establish alternative arrangements for students who choose not to attend the charter school,” which suggests that students at conversion schools must have a priority.¹⁰

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁶ [24 Pa. Stat. § 17-1723-A](#)

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ [24 Pa. Stat. § 17-1717-A\(e\)\(3\)](#)

RHODE ISLAND

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Rhode Island's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools and public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advances and opportunities of education and public library services."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **YES**

Rhode Island law requires every child between 6 and 18 years of age to "regularly attend some public day school... in the city or town in which the child resides."² The law does not prescribe how districts must assign students to schools, but there is an appeals process for families to challenge school assignment decisions to the commissioner of elementary or secondary education.³

The state does not explicitly criminalize or decriminalize address sharing.⁴

¹ R.I. Const. art. XII, § 1.

² R.I. Gen. Laws § 16-19-1

³ R.I. Gen. Laws § 16-1-5

⁴ Tim DeRoche, Haily T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
a is denied enrollment in in a district school

Rhode Island state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Rhode Island allows for students to participate in cross-district open enrollment. If a district finds “that it is more convenient or expedient” for a student “to attend school in an adjoining city or town,” they can arrange with another district to transfer the student.⁵ Tuition is paid for “out of the city or town appropriation for public schools.”⁶

⁵ [RI General Laws 16-2-19](#)

⁶ *Ibid.*

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

Rhode Island laws only address the enrollment of students at conversion schools. District schools converting to charter schools in Rhode Island must “make accommodations to facilitate the transfer of students who don’t wish to participate” in the charter school, which suggests that students at conversion schools must have a priority.⁷

Absent statutes addressing enrollment, state regulations require charter schools to hold lotteries if the number of applicants exceeds the number of seats available and allow charter schools to establish enrollment preferences for siblings and children of teachers or school founders.⁸

Lastly, Rhode Island law limits the number of charter schools in the state to 35, with at least half being “reserved for charter school applications which are designed to increase the educational opportunities for at-risk pupils.”⁹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ [RI General Laws 16-77-2](#)

⁸ [Board of Regents' Regulations Governing Rhode Island Public Charter Schools, Chapter 5](#)

⁹ [RI General Laws 16-77-3.1](#)

SOUTH CAROLINA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

South Carolina's state constitution says, "The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State."¹ The language "provide for the maintenance and support of a system of free public schools open to all children in the State" could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

South Carolina law entitles any age-eligible child "to attend the public schools of any district" where they reside with their parent or legal guardian.² The law does not prescribe how districts must assign students to schools, nor is there mention in state law of an appeals process for families unhappy with their traditional public school assignment.

Under South Carolina law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ S.C. Const. art. XI, § 3.

² [S.C. Code Ann. § 59-63-30\(1\)\(a\) & \(b\)](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their "home school" **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **N/A**
- C6. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment in a district school **N/A**

South Carolina state law does not mention within-district open enrollment..

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **NO MENTION**
- D5. Families can access a school regardless of whether their "home district" approves **NEVER**
- D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- D7. There is an appeals process if a student, who otherwise meets requirements, is denied enrollment at a school in a non-resident district **YES**
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

South Carolina permits students to participate in cross-district open enrollment if their residence is closer to schools located in a district in an adjacent county.⁴ Students can attend schools in the adjacent county "upon the school authorities of the county of their residence arranging with the school officials of the adjacent county for such admission and upon payment of appropriate charges."⁵ The board of trustees of the receiving school district and the county board of education is to "determine the monthly per pupil cost of all overhead expenses at the school, which will include all expenses of the school not paid by the state" and "upon proper arrangement being made for the payment monthly of such overhead," the student will be admitted.⁶ This language suggests that students can be charged for any tuition not covered by South Carolina's per pupil education funding.

⁴ [S.C. Code Ann. § 59-63-480](#)

⁵ Ibid.

⁶ Ibid.

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

South Carolina charter schools are open to all children residing in the state. Students residing in the district where the charter school is located are given enrollment priority.⁷ Out-of-district enrollment is permitted but must not exceed 20% of total enrollment.⁸ Charter schools must also give priority enrollment to students who were enrolled in the previous year. A charter school may additionally give enrollment priority to a sibling of current students. Children of charter school employees and members of the charter school’s committee can receive priority enrollment but must not exceed 20% of total enrollment.⁹

Students enrolled in a traditional public school at the time of its conversion to a charter school must be given priority enrollment.¹⁰ In subsequent years, students residing in the former attendance area of that traditional public school must be given enrollment priority.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ [S.C. Code Ann. § 59-40-145](#)

⁸ Ibid.

⁹ Ibid.

¹⁰ [S.C. Code Ann. § 59-40-100](#)

SOUTH DAKOTA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **NEVER**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **N/A**
- ▶ E2. Charter schools may have selective admissions policies **N/A**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **N/A**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **N/A**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **N/A**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

South Dakota's state constitution says, "The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education."¹ The language "establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all" could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

South Dakota law declares that "the privileges of the public schools of any district shall be free to all persons with school residence within the district." The law does not prescribe how districts must assign students to schools, nor is there mention in state law of an appeals process for families unhappy with their traditional public school assignment.

Under South Dakota law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ S.D. Const. art. VIII, § 1.

² [S. D. Cod. Laws § 13-28-5.](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

South Dakota law creates an “enrollment options program” that allows any student in the state “to attend any public school that serves the student’s grade level in any South Dakota school district.”⁴ School districts must allow students to apply “for a transfer into the district or within the district.”⁵ Applications are approved in the order they were received, but students with siblings in the district are given priority.⁶ Districts can deny applications due to the “capacity of a program, class, grade level, and school building... and the pupil/teacher ratio.”⁷ Districts can deny the applications of special education students if the nonresident district cannot meet the provisions for those students and related services.⁸ If a student’s application is rejected, they can file a “de novo appeal” with the Department of Education.⁹

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **NEVER**

[cont.→]

⁴ [S. D. Cod. Laws § 13-28-40](#)

⁵ [S. D. Cod. Laws § 13-28-41](#)

⁶ [S. D. Cod. Laws § 13-28-43](#)

⁷ [S. D. Cod. Laws § 13-28-44](#)

⁸ Ibid.

⁹ Ibid.

Cross-district open enrollment is governed by the same statutes that govern within-district open enrollment, as discussed above.

Tuition for students participating in cross-district enrollment is paid for by the state's education aid program.¹⁰

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **N/A**
- E2. Charter schools may have selective admissions policies **N/A**
- E3. Charters may or must establish enrollment preferences or priorities **N/A**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **N/A**

South Dakota does not have charter schools.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **N/A**
- F2. Magnet schools may have selective admissions **N/A**

South Dakota does not have magnet schools.

¹⁰[S. D. Cod. Laws § 13-28-40](#)

TENNESSEE

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **NO**

Tennessee's state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "The General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools."¹

There are no general state statutes governing admissions for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **YES**

Tennessee law requires the boards of education for school districts to determine "the particular public school to which pupils shall be assigned."² The law does not prescribe how districts must assign students to schools.

Families "dissatisfied with the assignment" of their student can submit a written appeal to the district's board of education, stating the specific reasons why the student should be assigned to a different school.³

The state does not explicitly criminalize or decriminalize address sharing.⁴

¹ Tenn. Const. art. XI, § 12.

² [TN Code § 49-6-3103](#)

³ [TN Code § 49-6-3201](#)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Tennessee law requires each local education agency (LEA) to identify, prior to the beginning of each school year, each school that "based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students."⁵ LEAs must conduct an open enrollment period at least 30 days before each school year begins. During the open enrollment period, parents can submit applications for children to attend a different school within their LEA. If there are more applications for a school than available seats, the LEA is required to conduct a lottery to determine which students will attend the school.⁶

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Tennessee law requires each local education agency (LEA) to identify, prior to the beginning of each school year, each school that "based on the school's capacities at the building, grade, class, and program levels, has space available to enroll and serve additional students."⁷ [cont. →]

⁵ [Tenn. Code § 49-2-128](#)

⁶ [Ibid.](#)

⁷ [Ibid.](#)

During the open enrollment period, parents can submit applications for children to attend a different school within their LEA. If there are more applications for a school than available seats, the LEA is required to conduct a lottery to determine which students will attend the school.⁸

LEAs can admit nonresident students after all resident student transfer applications have been accepted.⁹ State law requires that state school funds “follow the student into the school system to which the student is transferring.”¹⁰

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones
- E2. Charter schools may have selective admissions policies
- E3. Charters may or must establish enrollment preferences or priorities
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats

CONVERSIONS ONLY
NO MENTION
REQUIRES & ALLOWS
YES

Charter schools in Tennessee are open to students “residing within the geographic boundaries of the LEA in which the charter school is located.”¹¹ Charter school authorizers can adopt a policy that allows out-of-district enrollment if capacity is available after all district students who apply are enrolled; however, the total enrollment of out-of-district students cannot exceed 25% of the school’s total enrollment.¹² Charter schools can request waivers from the authorizer if they have a policy prohibiting out-of-district enrollment.

Charter schools must give enrollment preference to students who attended the school the previous year.¹³ Charter schools are required to use a lottery when there are more applicants than available seats. If there is a lottery, charter schools are required to give enrollment preferences in the following order: 1) students enrolled in a pre-K program operated by the charter school sponsor, 2) students who are economically disadvantaged if this preference is used by the charter school, 3) students enrolled in a charter school that has an articulation agreement with the enrolling charter school that has been approved by the authorizer, 4) siblings of students already enrolled in the charter school, 5) students residing in the geographic boundaries of the LEA where the charter school is located who were enrolled in another public school during the previous school year, and 6) students residing outside of the geographic boundaries of the LEA where the charter school is located.¹⁴

⁸ Ibid.
⁹ Ibid.
¹⁰ [Tenn. Code § 49-6-3104](#)
¹¹ [Tenn. Code § 49-13-113](#)
¹² Ibid.
¹³ Ibid.
¹⁴ Ibid.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

TEXAS

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **NO**
- ▶ A2. General state statutes exist governing admissions for all public schools **YES**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **SOME**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **SOME**
- ▶ E2. Charter schools may have selective admissions policies **ALLOWS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **NO**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **YES**

Texas' state constitution does not indicate that education is a fundamental right or that the state has a duty to protect an individual student's right to access. The constitution states, "A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools."¹

Texas has a general state statute governing admissions for all public schools, stating that "an educational institution undertaking to provide education, services, or activities to any individual within the jurisdiction or geographical boundaries of the educational institution shall provide equal opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to this code."²

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Texas law requires the board of trustees of a school district to "admit into the public schools of the district free of tuition" any person between 5 and 21 years of age if they reside in the district with either parent or a legal guardian.³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Texas law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁴

¹ Texas Const. art. 7, § 1.

² [Tex. Educ. Code § 1.002\(a\)](#)

³ [Tex. Educ. Code § 25.001](#)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **NONE**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

If the school a student is assigned to attend receives "an unacceptable performance rating that is made publicly available," that student is permitted to attend any other school in the district or is eligible to receive a public education grant to attend school in "any other district chosen by the student's parent."⁵

If a school has more applicants than seats available, it must use a lottery to fill available seats. It can give first preference to siblings of enrolled students who reside in the same household, and then to at-risk students.⁶

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **SOMETIMES**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **SOME**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

If the school a student is assigned to attend receives "an unacceptable performance rating that is made publicly available," that student is permitted to attend any other school in the district or is eligible to receive a public education grant to attend school in "any other district chosen by the student's parent."⁷ [cont.→]

⁵ [Tex. Educ. Code § 29.201-29.202](#)

⁶ [Tex. Educ. Code § 29.203](#)

⁷ [Tex. Educ. Code § 29.201-29.202](#)

If a school has more applicants than seats available, it must use a lottery to fill available seats. It can give first preference to siblings of enrolled students who reside in the same household, and then to at-risk students.⁸

A school district chosen by a student's parent can accept or reject a student's application. The law lists criteria that districts are prohibited from discriminating against; however, students with disabilities are not included in the list.

A school district cannot charge tuition to a student participating in cross-district open enrollment using the public education grant.

Students ineligible for the public education grant can participate in cross-district open enrollment under a law allowing the board of trustees for two or more adjoining school districts or counties to “arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another.”⁹ The boards must “also agree to transfer school funds or other payments proportionate to the transfer of attendance.”¹⁰ Receiving districts are allowed to charge a tuition fee to a student if “the district’s actual expenditure per student... exceeds the sum the district benefits from state aid sources.”¹¹

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **SOME**
- E2. Charter schools may have selective admissions policies **ALLOWS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **NO**
admission if demand exceeds available seats

There are three classes of charter schools in Texas: Home-rule school district charter, campus or campus program charter, and open-enrollment charter.

Home-rule district charter schools are charter schools operated by a public school district. For the purposes of student enrollment, home-rule school district charters are subject to the same admission and enrollment laws as traditional public schools.¹³

Campus or campus program charters are charter schools authorized by the board of trustees of a school district or the governing body of a home-rule school district to parents and teachers at an existing school campus.¹⁴ Such charters “must give priority on the basis of geography and residency.”¹⁵ They can next can give priority consideration to a student based on “age, grade level, or academic credentials in general or in a specific area, as necessary for the type of program offered.”¹⁶ [cont.→]

⁸ [Tex. Educ. Code § 29.203](#)

⁹ [Tex. Educ. Code § 25.035](#)

¹⁰ Ibid.

¹¹ Ibid.

¹² [Tex. Educ. Code § 12.011](#)

¹³ [Tex. Educ. Code § 12.013\(b\)\(3\)\(D\)](#)

¹⁴ [Tex. Educ. Code § 12.051-12.052](#)

¹⁵ [Tex. Educ. Code § 12.065\(a\)](#)

¹⁶ Ibid.

Open-enrollment charter schools are charter schools granted to eligible entities such as institutions of higher education, private or independent institutions of higher education, a nonprofit entity, or a governmental entity.¹⁷ These charter schools can have selective admissions criteria if they specialize in performing arts, requiring an applicant to audition or demonstrate artistic ability.¹⁸ Otherwise, they can fill available seats either by lottery or in the order they were received “if the school published a notice of the opportunity to apply for admission to the school... in a newspaper of general circulation in the community in which the school is located not later than the seventh day before the deadline.”¹⁹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

¹⁷[Tex. Educ. Code § 12.101](#)

¹⁸[Tex. Educ. Code § 12.111\(a\)\(5\)\(B\) and 12.1171](#)

¹⁹[Tex. Educ. Code § 12.117](#)

UTAH

A. Statewide laws

- ▶ A1. The state constitution protects an individual student's right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools students will attend **YES**
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their "home school" **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission if demand exceeds available seats **NO**
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, ... is denied enrollment in a district school **NO**

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students . . . **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities based on program capacity constraints **YES**
- ▶ D5. Families can access a school regardless of whether their "home district" approves **ALWAYS**
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission if demand exceeds available seats **NO**
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, ... is denied enrollment at a school in a non-resident district **YES**
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **NO**
- A2. General state statutes exist governing admissions for all public schools **YES**

Utah's state constitution says, "The Legislature shall provide for the establishment and maintenance of the state's education systems including (a) a public education system, which shall be open to all children of the state; and (b) a higher education system. Both systems shall be free from sectarian control."¹ The language "open to all the children of the state" could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Utah law states that the "school district of residence of a minor child whose custodial parent resides in Utah is the school district in which the custodial parent resides..."² The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

The state does not explicitly criminalize or decriminalize address sharing.³

¹ Utah Const. art. X, § 1.

² [Utah Code Ann. § 53G-6-302](#)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Local school boards in Utah are "responsible for providing educational services... for each student who resides in the district" so long as a school has not reached the "open enrollment threshold."⁴ There are two thresholds for open enrollment. The early enrollment threshold is the projected enrollment level that is the greater of 90% of maximum capacity or maximum capacity minus 40 students.⁵ The late enrollment threshold is the actual school enrollment that is the greater of 90% of adjusted capacity or adjusted capacity minus 40 students.⁶

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Local school boards in Utah are "responsible for providing educational services... for each student who resides in the district... 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."⁷ [cont. →]

⁴ [Utah Code Ann. § 53G-6-402](#)

⁵ [Utah Code Ann. § 53G-6-401](#)

⁶ Ibid.

⁷ [Utah Code Ann. § 53G-6-402](#)

Schools are open for enrollment of nonresident students if the school's enrollment level is at or below the open enrollment threshold, although school boards may allow nonresident students in schools operating above the threshold.⁸ There are two thresholds for open enrollment. The early enrollment threshold is the projected enrollment level that is the greater of 90% of maximum capacity or maximum capacity minus 40 students.⁹ The late enrollment threshold is the actual school enrollment that is the greater of 90% of adjusted capacity or adjusted capacity minus 40 students.¹⁰

Districts may reject an application if they do not offer or have capacity in “an elementary or secondary special education or other special program the student requires.”¹¹ If a student's initial or continuing enrollment application is denied, the nonresident student can appeal to the local school board.¹²

Students are considered residents of the district where they are enrolled for purposes of state funding.¹³

To what extent is an individual student's right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones
- E2. Charter schools may have selective admissions policies
- E3. Charters may or must establish enrollment preferences or priorities
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats

CONVERSIONS ONLY
NO MENTION
ALLOWS
YES

Charter schools in Utah are open to all residents in the state. Charter schools are required to “select students on a random basis” when there are more applicants than available seats.¹⁴ Preferences may be given to 1) children or grandchildren of individuals who actively participated in the development of the charter school or members of the charter school governing board, 2) siblings of an individual previously or currently enrolled in the charter school, 3) children of charter school employees, 4) students articulating between charter schools offering similar programs and governed by the same charter school governing board, 5) students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the state charter school board, 6) students who reside within up to a two-mile radius of the charter school and whose school of residence is at capacity; 7) or children of military service members.¹⁵

District schools that convert to charter status must give an enrollment preference to students who otherwise would have attended the school.¹⁶ [cont. →]

⁸ [Utah Code Ann. § 53G-6-402](#)
⁹ [Utah Code Ann. § 53G-6-401](#)
¹⁰ Ibid.
¹¹ [Utah Code Ann. § 53G-6-403](#)
¹² [Utah Code Ann. § 53G-6-404](#)
¹³ [Utah Code Ann. § 53G-6-405](#)
¹⁴ [Utah Code Ann. § 53G-6-502](#)
¹⁵ Ibid.
¹⁶ Ibid.

Charter schools located in a “high growth area,” defined as an area where school enrollment is significantly increasing or projected to significantly increase, must give enrollment preference to a student residing within a two-mile radius of the charter school.¹⁸

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

¹⁷ [Utah Code Ann. § 53-6-504](#)

¹⁸ *Ibid.*

VERMONT

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **SOME**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **SOMETIMES**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **SOME**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **N/A**
- ▶ E2. Charter schools may have selective admissions policies **N/A**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **N/A**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **N/A**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

In 2023, the Vermont Supreme Court “expressly” held that “Vermont children have a fundamental right to education.”¹ This ruling could arguably be used to protect an individual student's right to access but to our knowledge, the state Supreme Court has not yet considered this question.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Vermont state law requires each school district to “maintain one or more approved schools within the district” for elementary and high school education (presumably, middle school education is inclusive).² Districts could also pay tuition for students to attend school somewhere else in lieu of providing a system of schools. The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Vermont law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.³

¹ *Vitale v. Vermont* (2023)

² 16 Vt. Stat. Ann. §§ 821(a); & 16 Vt. Stat. Ann. §§ 822(a)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **SOME**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **SOMETIMES**
- C5. Schools/districts are required to hold a lottery for within-district admission **YES**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in a district school

Vermont has a public high school choice program that allows students to enroll in a high school other than the one assigned to them by the district.⁴ If a school has more applicants than available seats, a "nondiscriminatory lottery system" must be implemented to determine which students will enroll.⁵ The total number of transferring students cannot exceed 10% of all resident high school students or 40 students, whichever is fewer.⁶ If more students wish to transfer from a school than allowed, the sending high school must hold a nondiscriminatory lottery system.⁷

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **SOME**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **SOMETIMES**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **SOMETIMES**

Vermont has a public high school choice program that allows students to enroll in a high school in a district other than their home district.⁸ The board of each high school district [cont.→]

⁴ 16 Vt. Stat. Ann. §§ 822(a)

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ 16 Vt. Stat. Ann. §§ 822(a)

must define and announce its capacity to accept students on or before February 1 each year. If a school has more applicants than available seats, a nondiscriminatory lottery system must be implemented to determine which students will enroll.⁹ Similarly, if more students wish to transfer from a school than allowed, the sending high school must hold a nondiscriminatory lottery system.¹⁰ Districts can limit the number of resident students who transfer so long as it is not fewer than 5% of the resident districts enrolled or 10 students, whichever is fewer, and the total number of transferring students cannot exceed 10% of all resident high school students or 40 students, whichever is fewer.¹¹ Students transferring to a different high school in a nonresident district are prohibited from being charged tuition.¹²

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **N/A**
- E2. Charter schools may have selective admissions policies **N/A**
- E3. Charters may or must establish enrollment preferences or priorities **N/A**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **N/A**

Vermont does not have charter schools.

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁹ Ibid.
¹⁰ Ibid.
¹¹ Ibid.
¹² Ibid.

VIRGINIA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **YES**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **NEVER**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **NO**
- ▶ D2. Districts are required to participate in cross-district open enrollment **N/A**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **N/A**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **N/A**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Virginia's state constitution says, "The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained."¹

The Virginia Supreme Court found education to be a "fundamental right under the [Virginia] Constitution,"² which could arguably be used to protect an individual student's right to access, but to our knowledge the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **YES**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Virginia state law delegates the power to school boards to "provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division."³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Virginia law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁴

¹ Va. Const. art. VIII, § 1.

² *Scott v. Commonwealth*, 247 Va. 379, 386, 443 S.E.2d 138, 142 (1994)

³ [Va. Code § 22.1-79](#)

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **NONE**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **NEVER**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Virginia allows any local school board to "establish and implement policies to provide for the open enrollment to any school of any student residing within the school division upon the request of a parent or guardian."⁵ Districts may, but are not required to, implement a "random, unbiased selection process" if there are more applicants than available seats.⁶

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **NO**
- D2. Districts are required to participate in cross-district open enrollment **N/A**
- D3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- D4. Schools are allowed to categorically turn away students with disabilities **N/A**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **N/A**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **N/A**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **N/A**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **N/A**

Virginia state law does not mention cross-district open enrollment.

⁵ [Va. Code § 22.1-7.1](#)

⁶ *Ibid.*

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **NO MENTION**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

Charter schools in Virginia are open to any child who resides “within the relevant school division or, in the case of a regional public charter school, within any of the relevant school divisions.”⁷ Charter schools are required to use a lottery when there are more applicants than available seats.⁸

District public schools that convert to public charter schools must give priority enrollment to students who attended the school prior to the conversion as well as their siblings.⁹

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁷ [Va. Code § 22.1-212.6](#)

⁸ Ibid.

⁹ Ibid.

WASHINGTON

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **ALL**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **NEVER**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **SOMETIMES**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **NEVER**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

The Washington Constitution states that it is “the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”¹

In 1978, the Washington Supreme Court found the education finance system constitutionally deficient.² In 2012, the constitutionality of public school funding in Washington came back before the court. The court ruled that “[t]he judiciary has the primary responsibility for interpreting article IX, section 1 to give it meaning and legal effect,” and that its meaning included “a positive constitutional right to an amply funded education,”³ again finding the Washington system to be deficient.

The language “paramount duty of the state to make ample provision for the education of all children residing within its borders” and the court rulings could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

Washington state law requires common schools to be open to all persons between the ages of 5 and 21 who reside in a school district.⁴ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Washington law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁵

¹ Wash. Const. art. IX, § 1.

² *Seattle Sch. Dist. No. 1 v. State*, 90 Wash. 2d 476, 585 P.2d 71 (1978).

³ *McCleary v. State*, 173 Wash. 2d 477, 269 P.3d 227 (Wash. 2012).

⁴ RCW 28A.225.160

⁵ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **NEVER**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Washington requires each school district to "adopt and implement a policy allowing intradistrict enrollment options." The only policy requirement is that children of full-time employees be permitted to enroll at the school where the employee works. Other than this requirement, it is up to each school district to determine its within-district open enrollment policy. Students denied enrollment through cross-district open enrollment can appeal to the state commissioner.⁷

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **SOMETIMES**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **NEVER**

Washington state law "strongly encourages" districts to honor requests from parents or guardians to enroll nonresident children in a school within the district.⁸ A home district is required to "release a student to a nonresident district that agrees to accept the student" if any of the following conditions are met: 1) a student's financial, educational, safety, or health condition would be reasonably improved due to the transfer; 2) attendance at school in the nonresident district is more convenient to a parent's employment or to child care; [cont.→]

⁶ [RCW 28A.225.270](#)
⁷ [RCW 28A.225.270](#)

3) a special hardship or detrimental condition exists; or 4) the purpose of the transfer is to enroll the student in an approved online course or program.⁹ A home district can deny a student’s transfer request if it would “adversely affect the district’s existing desegregation plan.”¹⁰

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Charter schools in Washington are “open to any student regardless of his or her location of residence.” The schools are required to use a lottery when there are more applicants than available seats,¹¹ and preference must be given to siblings of currently enrolled students.¹² Additional preference can be given to at-risk students or children of full-time employees.¹³

To what extent is an individual student's right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁸ [RCW 28A.225.220](#)

⁹ Ibid.

¹⁰ Ibid.

¹¹ [RCW 28A.710.050](#)

¹² Ibid.

¹³ Ibid.

WEST VIRGINIA

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **YES**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **YES**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **ALWAYS**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **YES**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

The West Virginia Constitution instructs the legislature to “by general law,” provide “for a thorough and efficient system of free schools.”¹ In the seminal case of *Pauley v. Kelly*, the West Virginia Supreme Court found that education was a fundamental right and that “any discriminatory class found in the education funding system cannot stand unless the state can demonstrate some compelling state interest to justify the unequal classification.”² The state Supreme Court’s findings in *Pauley v. Kelly* could arguably be used to protect an individual student’s right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

There are no general state statutes governing admissions processes for all public schools.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **YES**

West Virginia law directs county boards of education to “establish attendance zones within the county to designate the schools within its district that resident students typically attend.”³ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

State law does not explicitly criminalize or decriminalize address sharing.⁴

Families can appeal their school assignment to the county board (in the case of within-district denials) or the State Superintendent (in the case of non-resident denials).⁵

¹ W.Va. Const. art. XII, § 1.

² *Pauley v Kelly* (1979)

³ *W.Va. Code § 18-5-16(a)*.

⁴ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, “When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education,” Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

⁵ *W.Va. Code § 18-5-16(a) and (d)*

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **YES**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **ALWAYS**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **YES**
a is denied enrollment in in a district school

In order to participate in within-district open enrollment, a parent or legal guardian must submit a written request to the superintendent, who may grant the student's transfer "so long as grade level capacity and the program and services exist at the time of the request."⁶ Families can appeal a denial of transfer to the county board of education and, if necessary, to the state superintendent of schools.⁷

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **ALL**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **YES**

County boards of education are required to "establish and implement an open enrollment policy for nonresident students without charging tuition and without obtaining approval from the board of the county in which a student resides and transfers."⁸ Enrollment preferences can be given to siblings currently enrolled through open enrollment; secondary students who have completed the tenth grade and relocated out of the district; children, grandchildren,

⁶ [W.Va. Code § 18-5-16\(a\)](#)

⁷ [Ibid.](#)

⁸ [Ibid.](#)

or legal wards of employees; students whose legal residence is in another county but closer to a school within the receiving county; and students residing in a part of a county where transportation to a school within the county is impracticable and a school with a contiguous county is more easily accessible.⁹

Applicants can be denied due to lack of grade level capacity or lack of programs or services.¹⁰ Denials can be appealed to the state superintendent.¹¹

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **CONVERSIONS ONLY**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

Charter schools in West Virginia must designate a primary recruitment area based on their “estimated facility and program capacity.”¹² Charter schools are required to use a lottery when there are more applicants than available seats.¹³ Charter schools can establish enrollment preferences, including 1) children who reside in the primary recruitment area; 2) children enrolled in the school the previous year; 3) siblings of currently enrolled students; 4) students with special needs including at-risk students, English learners, students with severe disciplinary problems, and justice-involved youth; and 5) children of governing board members and full-time employees of the school so long as they constitute no more than 5% of the school’s total enrollment.¹⁴

District public schools that convert to public charter schools must give priority enrollment to students who attended the school prior to the conversion and “maintain a policy that gives enrollment preference to students who reside within the attendance area as established prior to the conversion of the school.”¹⁵

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁹ Ibid.
¹⁰ Ibid.
¹¹ [W.Va. Code § 18-5-16\(d\)](#)
¹² [W.Va. Code § 18-5G-11](#)
¹³ Ibid.
¹⁴ Ibid.
¹⁵ Ibid.

WISCONSIN

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **NO**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **NO MENTION**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **YES**
- ▶ C2. Districts are required to offer within-district open enrollment **NONE**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ C4. Families can access a school without the approval of their “home school” **NEVER**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **ALL**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **YES**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **NEVER**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **YES**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, **YES**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **NO MENTION**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

Wisconsin's state constitution says, "The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years."

In 1989, the Wisconsin Supreme Court ruled that "it is a fundamental right of every child in this state to have an equal opportunity for education,"² which could arguably be used to protect an individual student's right to access, but to our knowledge, the state Supreme Court has not yet considered this question.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools students will attend **YES**
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional public school assignment **NO**

No state law was found delegating power to school districts to determine which schools students will attend, nor whether school assignment must be based on residence in a geographic zone. There is no mention in state law of an appeals process for families unhappy with their traditional public school assignment.

The state does not explicitly criminalize or decriminalize address sharing.³

¹ WI Const art X § 3

² Kukor v. Grover (1989)

³ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **YES**
- C2. Districts are required to offer within-district open enrollment **ALL**
- C3. State requires schools/districts to reserve capacity for nonresident students **NO**
- C4. Families can access a school without the approval of their "home school" **NEVER**
- C5. Schools/districts are required to hold a lottery for within-district admission **NO**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **NO**
a is denied enrollment in in a district school

Under Wisconsin law, school districts can enroll nonresident students into their schools; however, preference must be given to residents of the school district "who live outside the school's attendance area."⁴

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their "home district" **SOMETIMES**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **NEVER**

Under Wisconsin law, any student "may attend a public school... in a nonresident school district."⁵ Parents can submit applications to up to three nonresident school districts annually (excluding virtual charter schools), including requests "to attend a specific school or program offered by the nonresident school district."⁶ If a nonresident district receives more applicants than available seats, they must determine "on a random basis" which students to accept "after giving preference to pupils and to siblings of pupils who are already attending the nonresident school district."⁷ If the nonresident district is a union high school district, preference [cont. →]

⁴ [WI Stat § 118.51\(10\)](#)

⁵ [WI Stat § 118.51](#)

⁶ Ibid.

⁷ Ibid.

must be given to students attending an “underlying elementary school district.”⁸ These priority students can be accepted even if the nonresident district is at capacity.

A nonresident district can reject applications based on limited capacity for both “regular education and special education spaces.”⁹ A student’s home district can also reject their application to transfer to a nonresident district. In either case, the student’s family can appeal to the Wisconsin Department of Education.¹⁰

Tuition for students participating in cross-district open enrollment is paid for by the school district’s state aid program.¹¹

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **NO MENTION**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES & ALLOWS**
- E4. Charter schools are required to use a random process (e.g., a lottery) for admission if demand exceeds available seats **YES**

Charter schools are required to “select pupils at random” when there are more applicants than available seats.¹² Preferences must be given to students enrolled in the previous year and applicants with siblings currently enrolled at the charter school.¹³ Additional preferences may be given to children of the charter school’s founders, governing board members, and full-time employees as long as they don’t make up more than 10% of the school’s total enrollment.¹⁴

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

⁸ Ibid.
⁹ Ibid.
¹⁰ Ibid.
¹¹ Ibid.
¹² [WI Stat § 118.40\(3\)\(g\)\(1\)](#)
¹³ [WI Stat § 118.40\(3\)\(g\)\(2\)\(a\)](#)
¹⁴ Ibid.

WYOMING

A. Statewide laws

- ▶ A1. The state constitution protects an individual student’s right to access **ARGUABLY**
- ▶ A2. General state statutes exist governing admissions for all public schools **NO**

B. Laws governing traditional public school enrollment

- ▶ B1. State law delegates power to districts to determine which schools **YES**
students will attend
- ▶ B2. School assignment is based on residence in a geographic zone **ALLOWS**
- ▶ B3. The state criminalizes address sharing **MAYBE**
- ▶ B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

C. Laws governing within-district open enrollment

- ▶ C1. State law addresses within-district open enrollment **NO**
- ▶ C2. Districts are required to offer within-district open enrollment **N/A**
- ▶ C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- ▶ C4. Families can access a school without the approval of their “home school” **N/A**
- ▶ C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- ▶ C6. There is an appeals process if a student, who otherwise meets requirements, . . . **N/A**
is denied enrollment in a district school

D. Laws governing cross-district open enrollment

- ▶ D1. State law addresses cross-district open enrollment **YES**
- ▶ D2. Districts are required to participate in cross-district open enrollment **NONE**
- ▶ D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- ▶ D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- ▶ D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- ▶ D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- ▶ D7. There is an appeals process if a student, who otherwise meets requirements, . . . **NO**
is denied enrollment at a school in a non-resident district
- ▶ D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

E. Laws governing charter school enrollment

- ▶ E1. Charter schools are required to enforce existing attendance zones **NONE**
- ▶ E2. Charter schools may have selective admissions policies **PROHIBITS**
- ▶ E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- ▶ E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

F. Laws governing magnet school enrollment

- ▶ F1. State law addresses magnet school admissions **NO**
- ▶ F2. Magnet schools may have selective admissions **N/A**

To what extent is an individual student's right to access any public school protected by statewide laws?

A. Statewide laws

- A1. The state constitution protects an individual student's right to access **ARGUABLY**
- A2. General state statutes exist governing admissions for all public schools **NO**

The Wyoming constitution's bill of rights provides that the "right of the citizens to opportunities for education should have practical recognition," and thus the "legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts."¹ The education clause of the constitution requires the legislature to "provide for the establishment and maintenance of a complete and uniform system of public instruction..."²

In 1980, the Wyoming Supreme Court disapproved of sharp disparities in school funding, finding there was "no room for any conclusion but that education for the children of Wyoming is a matter of fundamental interest."³ In 1995, the court reaffirmed that education was a "fundamental" right and ordered further financial reforms.⁴

The findings of the Wyoming Supreme Court could arguably be used to protect an individual student's right to access, but to our knowledge, the court has not yet considered this question.

To what extent is an individual student's right to access any public school protected by laws governing traditional public school enrollment?

B. Laws governing traditional public school enrollment

- B1. State law delegates power to districts to determine which schools **YES**
students will attend
- B2. School assignment is based on residence in a geographic zone **ALLOWS**
- B3. The state criminalizes address sharing **MAYBE**
- B4. There is an appeals process for families unhappy with their traditional **NO**
public school assignment

Wyoming state law requires the public schools in each district to "be equally free and accessible to all children resident(s)..."⁵ The law does not prescribe how districts must assign students to schools, nor is there mentioned in state law an appeals process for families unhappy with their traditional public school assignment.

Under Wyoming law, parents who misrepresent their address to enroll in a public school outside of the district where they reside can be subject to criminal prosecution.⁶

¹ Wyo. Const. art. 1, §23

² Wyo. Const. art. 7, § 1.)

³ *Washakie Cty. Sch. Dist. v. Herschler*, 606 P.2d 310 (Wyo. 1980), cert. den. sub nom., *Hot Springs Cty. Sch. Dist. v. Washakie Cty. Sch. Dist.*, 449 U.S. 824 (1980).

⁴ *Campbell Cty. Sch. Dist. v. State*, 907 P.2d 1238 (Wyo. 1995).

⁵ [Wyo. Stat. Ann. § 21-4-301](#)

⁶ Tim DeRoche, Hailly T.N. Korman, and Harold Hinds, "When Good Parents Go to Jail: The Criminalization of Address Sharing in Public Education," Available to All, 2023, <https://availabletoall.org/wp-content/uploads/2023/07/WHEN-GOOD-PARENTS-GO-TO-JAIL-Available-to-All-001.pdf>

To what extent is an individual student's right to access any public school protected by laws governing within-district open enrollment?

C. Laws governing within-district open enrollment

- C1. State law addresses within-district open enrollment **NO**
- C2. Districts are required to offer within-district open enrollment **N/A**
- C3. State requires schools/districts to reserve capacity for nonresident students **N/A**
- C4. Families can access a school without the approval of their “home school” **N/A**
- C5. Schools/districts are required to hold a lottery for within-district admission **N/A**
if demand exceeds available seats
- C6. There is an appeals process if a student, who otherwise meets requirements, **N/A**
a is denied enrollment in in a district school

Wyoming state law does not mention within-district open enrollment.

To what extent is an individual student's right to access any public school protected by laws governing cross-district open enrollment?

D. Laws governing cross-district open enrollment

- D1. State law addresses cross-district open enrollment **YES**
- D2. Districts are required to participate in cross-district open enrollment **NONE**
- D3. State requires schools/districts to reserve capacity for nonresident students **NO**
- D4. Schools are allowed to categorically turn away students with disabilities **NO MENTION**
based on program capacity constraints
- D5. Families can access a school regardless of whether their “home district” **ALWAYS**
approves
- D6. Schools/districts are required to hold a lottery for cross-district admission **NO**
if demand exceeds available seats
- D7. There is an appeals process if a student, who otherwise meets requirements, **NO**
is denied enrollment at a school in a non-resident district
- D8. Cross-district open enrollment is tuition-free for families **ALWAYS**

Wyoming permits the board of trustees in every school district to enroll nonresident students if the student “desires to attend the school and if attendance ... would be more convenient...”⁷ Receiving districts can enroll nonresident students “unless admission overcrowds the classrooms...”⁸ Receiving districts can include enrolled nonresident students in their average daily membership for tuition purposes.⁹

⁷ [Wyo. Stat. Ann. § 21-4-502\(a\).](#)

⁸ Ibid.

⁹ Ibid.

To what extent is an individual student’s right to access any public school protected by laws governing charter school enrollment?

E. Laws governing charter school enrollment

- E1. Charter schools are required to enforce existing attendance zones **NONE**
- E2. Charter schools may have selective admissions policies **PROHIBITS**
- E3. Charters may or must establish enrollment preferences or priorities **REQUIRES**
- E4. Charter schools are required to use a random process (e.g., a lottery) for **YES**
admission if demand exceeds available seats

Charter schools in Wyoming are open to all students in the state.¹⁰ Charter schools are required to use a “blind lottery” when there are more applicants than available seats.¹¹ Students enrolled in the previous school year are guaranteed enrollment, while applicants with siblings currently enrolled must receive a preference.¹² Admission based solely on academic abilities or achievement is prohibited.¹³

To what extent is an individual student’s right to access any public school protected by laws governing magnet school enrollment?

F. Laws governing magnet school enrollment

- F1. State law addresses magnet school admissions **NO**
- F2. Magnet schools may have selective admissions **N/A**

There are no state laws governing magnet school admissions.

¹⁰[WY Stat § 21-3-307](#)

¹¹Ibid.

¹²Ibid.

¹³[Wyo. Stat. § 21-3-304](#)