

# HOUSE BILL 26

F1  
SB 819/25 – EEE & B&T

(PRE-FILED)

6lr1414  
CF 6lr1556

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By: Delegate Toles

Requested: October 29, 2025

Introduced and read first time: January 14, 2026

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Public Schools – Open Enrollment – Policies and Funding**

3 FOR the purpose of authorizing a county board of education to adopt an open enrollment  
4 policy to authorize certain students to attend a public school in a county other than  
5 the county where the student is domiciled with the student's parent or guardian,  
6 subject to certain requirements; requiring county boards to include certain students  
7 in full-time equivalent enrollment counts; directing certain funding to the county in  
8 which certain students are enrolled in a public school under an open enrollment  
9 policy; and generally relating to open enrollment in public schools.

10 BY repealing and reenacting, without amendments,  
11 Article – Education  
12 Section 7–101(a)  
13 Annotated Code of Maryland  
14 (2025 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 7–101(b)(1)  
18 Annotated Code of Maryland  
19 (2025 Replacement Volume and 2025 Supplement)

20 BY adding to  
21 Article – Education  
22 Section 7–101.4  
23 Annotated Code of Maryland  
24 (2025 Replacement Volume and 2025 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
26 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

2 7-101.

5 (b) (1) Except as provided in **§ 4-121 OF THIS ARTICLE, § 7-101.4 OF THIS**  
6 **SUBTITLE, AND § 7-301** of this title and in paragraph (2) of this subsection, each child  
7 shall attend a public school in the county where the child is domiciled with the child's  
8 parent, guardian, or relative providing informal kinship care, as defined in subsection (c)  
9 of this section.

10 7-101.4.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

31 (B) A COUNTY BOARD MAY ADOPT AN OPEN ENROLLMENT POLICY IN  
32 ACCORDANCE WITH THIS SECTION

**(C) A COUNTY BOARD'S OPEN ENROLLMENT POLICY SHALL:**

2 (1) ALLOW A CHILD FROM A SENDING COUNTY TO BE ENROLLED IN A  
3 RECEIVING SCHOOL FREE OF CHARGE;

9 (4) COMPLY WITH APPLICABLE FEDERAL AND STATE  
10 ANTIDISCRIMINATION LAWS.

11 (D) (1) A COUNTY BOARD THAT ADOPTS AN OPEN ENROLLMENT POLICY  
12 SHALL ESTABLISH AN APPLICATION PROCESS THAT INCLUDES:

18 (III) AN APPLICATION REVIEW PROCESS THAT MEETS THE  
19 REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION.

(2) (i) AN APPLICATION REVIEW PROCESS SHALL PROVIDE AN ENROLLMENT PREFERENCE FOR CHILDREN WHO ARE:

## 1. ZONED TO THE SCHOOL; OR

## 2. SIBLINGS OF ENROLLED STUDENTS.

## IN INSTANCES WHERE THE

THE FOLLOWING THREE OPEN ENROLLMENT METHODS, NEW PROCESS SHALL USE AN EQUITABLE SELECTION PROCESS, TERY, THAT MAINTAINS THE ENROLLMENT PREFERENCES H (I) OF THIS PARAGRAPH.

4 (3) (I) A COUNTY BOARD SHALL MAKE APPLICATION FORMS  
5 AVAILABLE:

10 (II) AVAILABLE APPLICATION FORMS SHALL INCLUDE  
11 INSTRUCTIONS THAT THE OPEN ENROLLMENT POLICY IS AVAILABLE FREE OF  
12 CHARGE.

13 (E) A COUNTY BOARD THAT ADOPTS AN OPEN ENROLLMENT POLICY SHALL:

14 (1) TRACK THE OPEN ENROLLMENT CAPACITY BY SCHOOL AND  
15 GRADE LEVEL;

21 (F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A  
22 COUNTY BOARD THAT ADOPTS AN OPEN ENROLLMENT POLICY OR A SCHOOL  
23 SUBJECT TO AN OPEN ENROLLMENT POLICY TO:

24 (1) MAKE ALTERATIONS IN THE STRUCTURE OF A SCHOOL OR THE  
25 ARRANGEMENT OR FUNCTIONS OF ROOMS WITHIN A SCHOOL;

1                   (G) A RECEIVING SCHOOL MAY DENY AN APPLICATION TO ENROLL A CHILD  
2 FOR ANY OF THE FOLLOWING REASONS:

3                   (1) LACK OF CAPACITY WITHIN THE SCHOOL;

4                   (2) THE SCHOOL DOES NOT OFFER APPROPRIATE PROGRAMS OR IS  
5 NOT STRUCTURED OR EQUIPPED WITH THE NECESSARY FACILITIES TO MEET ANY  
6 SPECIAL NEEDS OF THE CHILD;

7                   (3) THE SCHOOL DOES NOT OFFER A PARTICULAR PROGRAM  
8 REQUESTED BY A CHILD'S PARENT OR GUARDIAN;

9                   (4) THE CHILD DOES NOT MEET THE ESTABLISHED ELIGIBILITY  
10 CRITERIA FOR PARTICIPATION IN A PROGRAM, INCLUDING AGE REQUIREMENTS,  
11 COURSE PREREQUISITES, AND REQUIRED LEVELS OF PERFORMANCE;

12                   (5) A DESEGREGATION PLAN IS IN EFFECT FOR THE LOCAL SCHOOL  
13 SYSTEM AND A DENIAL IS NECESSARY TO MAINTAIN COMPLIANCE WITH THE  
14 DESEGREGATION PLAN; OR

15                   (6) THE CHILD HAS BEEN EXPELLED FROM A SCHOOL OR IS IN THE  
16 PROCESS OF EXPULSION FOR HABITUAL DISRUPTION OF EDUCATIONAL ACTIVITIES.

17                   (H) A SCHOOL SUBJECT TO AN OPEN ENROLLMENT POLICY SHALL:

18                   (1) CONSIDER ANY STUDENT ENROLLED UNDER AN OPEN  
19 ENROLLMENT POLICY ENROLLED FOR ALL PURPOSES, INCLUDING SCHOOL  
20 ATTENDANCE, ACCOUNTABILITY, AND GRADUATION; AND

21                   (2) ACCEPT CREDITS TOWARD GRADUATION AWARDED TO A STUDENT  
22 BY THE SENDING COUNTY.

23                   (I) (1) A COUNTY BOARD THAT HAS ADOPTED AN OPEN ENROLLMENT  
24 POLICY MAY PROVIDE TRANSPORTATION SERVICES TO A STUDENT.

25                   (2) IF A COUNTY BOARD PROVIDES TRANSPORTATION SERVICES TO A  
26 STUDENT ENROLLED UNDER THE OPEN ENROLLMENT POLICY, THE RECEIVING  
27 COUNTY BOARD SHALL PAY THE COSTS OF THE TRANSPORTATION SERVICES.

28                   (J) (1) A RECEIVING COUNTY BOARD SHALL INCLUDE THE STUDENTS IN  
29 A RECEIVING SCHOOL IN THE FULL-TIME EQUIVALENT ENROLLMENT COUNT.

1                   **(2) EACH FISCAL YEAR, FOR EACH STUDENT ENROLLED IN A SCHOOL**  
2    **UNDER AN OPEN ENROLLMENT POLICY IN ANOTHER COUNTY, THE SENDING COUNTY**  
3    **BOARD SHALL SEND THE RECEIVING COUNTY BOARD AN AMOUNT EQUAL TO THE**  
4    **LESSER OF:**

5                   **(I) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE**  
6    **SENDING COUNTY; OR**

7                   **(II) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE**  
8    **RECEIVING COUNTY.**

9                   **(3) IF THE LOCAL CURRENT EXPENSE PER STUDENT IN THE SENDING**  
10   **COUNTY IS LESS THAN THE LOCAL CURRENT EXPENSE PER STUDENT IN THE**  
11   **RECEIVING COUNTY, THE STATE SHALL PROVIDE THE DIFFERENCE TO THE**  
12   **RECEIVING COUNTY BOARD.**

13                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14   1, 2026.