



To: Maryland Senate Education, Energy, and Environment Committee

From: Jude Schwalbach, Senior Policy Analyst, Reason Foundation

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My name is Jude Schwalbach, and I'm a senior education policy analyst with Reason Foundation, a national 501c(3) nonprofit policy research organization. I'm testifying on [Maryland Senate Bill \(SB\) 819](#).

Maryland S.B. 819 would make it easier for students to find a public school that best fits their needs. The legislation would permit school districts to adopt open enrollment policies, letting students attend public schools outside their district if space is available. Moreover, the proposal would make public schools participating in the program free to all students regardless of where they live. The proposal includes an excellent district-level transparency provision, requiring districts to post their open enrollment policies, procedures, and available capacity by grade level on their websites. If codified, Maryland would be the [47th state](#) to adopt an open enrollment policy.

This bill is a step in the right direction since Maryland is one of four states with no codified open enrollment options. It also would improve transparency at the district level.

However, S.B. 819 has significant shortcomings. All districts should be required to participate in open enrollment, letting students transfer to schools in or outside their assigned district with open seats. Additionally, public schools should be free to all students. Under the current proposal, non-participating districts could still charge tuition. For instance, Maryland Calvert County Public Schools and Charles County Public Schools charged nearly [\\$13,000](#) and [\\$11,000](#), respectively, to in-state transfers during the 2023-24 school year.

Moreover, the proposal doesn't stop school districts from discriminating against applicants based on their abilities or disabilities. A 2023 report from [Wisconsin](#) showed that transfer applicants with disabilities were rejected at higher rates than their peers.

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The proposal could also increase state-level open enrollment transparency. In particular, the Maryland State Department of Education should be required to publish open enrollment data, including the number of transfers, rejected applicants, and why they were denied, in an annual report on its website. This creates a one-stop shop that puts districts' open enrollment practices at the fingertips of families, taxpayers, and policymakers.

Lastly, the proposal could guarantee a fair appeals process for rejected applicants. Under this process, school districts should be required to inform rejected applicants in writing why they were denied, and rejected applicants should be able to appeal their denial to an entity other than the rejecting district.

Strong open enrollment laws ensure that students can attend schools that are the right fit. Students in [Arizona](#), [Florida](#), and [Texas](#) use these programs to enroll in [A or B-rated school districts](#). Others use it to [escape bullying](#), access [Advanced Placement \(AP\) courses](#) or specialized learning models, have [smaller class sizes](#), or shorten their [commutes](#).

K-12 open enrollment is popular and widely used. For example, [22% of Delaware students](#) and [28% of Colorado students](#) in public schools use open enrollment to attend schools that are the right fit.

A [2016](#) report from the California Legislative Analyst's Office and [Reason Foundation's 2023 report](#) both show that the competitive effects of open enrollment can encourage districts to improve. In a 2023 [EdChoice report](#), district administrators in Arizona, North Carolina, Indiana, and Florida stated that open enrollment encouraged them to innovate by creating or improving existing programs to attract and retain students.

According to national polling released by [EdChoice](#) in January 2025, open enrollment is supported by 75% of school parents. It also enjoys bipartisan support: 81% of Democrats and 71% of Republicans favor allowing families to attend schools across district lines. This is why open enrollment bills signed into law in Idaho, Montana, and West Virginia during the 2023 legislative sessions enjoyed [significant bipartisan support](#).

Adopting a robust open enrollment policy in Maryland would help ensure that public schools are available to all students and empower families to find public schools that are the right fit.