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March 7, 2025

SB 819

Public Schools - Open Enrollment - Policies and Funding

**Senate Education, Energy and the Environment Committee
Senate Budget & Taxation Committee**

Position: FAVORABLE

The Maryland Catholic Conference offers this testimony in support of Senate Bill 819. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 819 would allow parents to choose the public school best suited to their child's needs by allowing county boards of education to adopt open enrollment policies to authorize students to attend, free of charge, a public school in a county other than the county where the student is domiciled. Funding would be in turn directed to the county in which the student is enrolled.

All three of (arch)dioceses serving Maryland have a strong commitment to education and recognize the important role that education plays in a child's development and future. Within the State of Maryland, Catholic schools serve approximately 50,000 students over nearly 150 schools. Additionally, tens of thousand more Catholic parishioners send their children to our state's public schools.

The parental choice option provided by this proposal aligns succinctly with the mission of our faith tradition, which holds that parents are the first educators of their children. The state owes a duty to ensure all of Maryland's children are afforded the educational opportunities best suited to their needs, regardless of whether that is a public or nonpublic school. For these reasons, we urge a favorable report for Senate Bill 819.

SB819 TWilliams.pdf

Uploaded by: Tynisa Williams

Position: FAV

Chairperson Feldman, Members of the Senate Education, Energy, and the Environment Committee

Thank you for the opportunity to testify today in support of Senate Bill 819, which expands open enrollment and gives Maryland families access to more public school options, including online schools. My name is Tynisa Williams, and I am a math teacher in Baltimore at Baltimore Revolutionary Academy for Virtual Education. I have seen firsthand the incredible impact that educational choice can have on students, as an educator and as a learning coach for my niece, who thrived in an online public school and successfully graduated.

I have worked with students from all backgrounds—those who excel in a traditional classroom and those who need something different. The reality is that one size does not fit all when it comes to education. That's the beauty of online learning. Some students need the flexibility of an online program, whether due to health challenges, learning differences, bullying, or simply because they learn best in a more personalized environment. The option to choose an online public school allowed my niece to focus on her education without the social pressures and distractions students face in a traditional setting. As a result, she not only graduated but graduated with high honors from P.O.R.T. Virtual Learning Program at Digital Harbor High School proving that success comes when students are in the right learning environment for them.

Families should not have to fight for access to an education that meets their child's needs. Open enrollment ensures that students can find the best fit, whether that is a brick-and-mortar school in a different district or an online public school that offers a flexible, high-quality learning experience. Education should be about students, not boundaries.

I urge you to support Senate Bill 819 and expand access to public school options so that more students can find success—just like my niece did. Thank you for your time, and I am happy to answer any questions.

Tynisa Williams

Teacher, Baltimore City Public Schools

Testimony MD SB 819 2025.docx.pdf

Uploaded by: Jude Schwalbach

Position: INFO



To: Maryland Senate Education, Energy, and Environment Committee

From: Jude Schwalbach, Senior Policy Analyst, Reason Foundation

Date: March 5, 2025

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.

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Uploaded by: Leslie Margolis

Position: INFO

Education Advocacy Coalition

for Students with Disabilities

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

SENATE BILL 819

Public Schools—Open Enrollment—Policies and Funding

March 7, 2025

POSITION: LETTER OF INFORMATION

The Education Advocacy Coalition for Students with Disabilities (EAC) is a coalition of nearly 50 organizations and individuals concerned with education policy for students with disabilities in Maryland. The EAC files this Letter of Information to identify several issues for consideration regarding open enrollment and its impact on students with disabilities.

Federal and state law require the provision of a free appropriate public education (FAPE) to students with disabilities; specifically, school districts must provide individualized special education instruction, related services that enable the student to benefit from the education they receive, and supplementary aids and services and program modifications and supports. These services must be provided in the least restrictive environment in which the child's education plan—the Individualized Education Program (IEP)—can be implemented, with a preference for placement in the school the student would attend if not disabled and for placement with nondisabled peers. Cross-district open enrollment as outlined in Senate Bill 819 raises several issues with significant implications for students with disabilities who receive special education services and supports:

First, and most significantly, Senate Bill 819 allows a receiving school in an open enrollment district to deny an enrollment application if the “school does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet any special needs of the child.” Because the focus of Senate Bill 819 addresses open enrollment across Maryland's local school systems, which are public entities, receiving schools are obligated to comply, not only with the Individuals with Disabilities Education Act (IDEA), but also with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Allowing receiving schools to unilaterally reject an application without any due process procedures in place for students whose applications are rejected and without any consideration of whether reasonable accommodations or modifications to the program could be made effectively guarantees that many students with disabilities will not be able to avail themselves of the opportunity to participate in open enrollment. In fact, in states with cross district open enrollment, this is exactly what has happened. See, e.g., [The Hidden Role of K–12 Open-Enrollment Policies in U.S. Public Schools - Education Next](#) .

Second, Senate Bill 819 allows a receiving school to deny an application if the child does not meet the established criteria for participation in a program, including required levels of

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performance. EAC members have successfully challenged blanket application of performance requirements for students who, as a result of their disabilities, may not be able to meet eligibility criteria for a program, such as a minimum reading level or particular grades, but who, with reasonable accommodations, are able to participate appropriately in the program. This provision of Senate Bill 819 will also serve to screen out students with disabilities.

Additionally, although Senate Bill 819 requires a receiving county board to pay for transportation services if a sending county is providing transportation services to a student enrolled under the open enrollment policy, the bill does not address who actually has to provide the transportation service. Many students with disabilities receive transportation as a related service in accord with their IEPs; because school district buses do not cross district lines, the bill's lack of clarity will create another barrier for students with disabilities who might wish to avail themselves of open enrollment.

The EAC takes no position on the concept of cross-district open enrollment but submits this testimony simply to underscore the importance of ensuring that students with disabilities have equal access to participation in the open enrollment process. Well-established civil rights statutes require nothing less.

Contact: Leslie Seid Margolis at lesliem@disabilityrightsmd.org or 443-692-2505.

Respectfully submitted,

Rene Averitt-Sanzone, The Parents' Place of Maryland

Linda Barton, MSED, Education Consultant

Beth Benevides, Autism Society of Maryland, Co-Chair, Education Advocacy Coalition

Ellen A. Callegary, Attorney (Retired)

Melanie Carlos, xMinds (Partnership for Extraordinary Minds)

Stephanie Carr, S.L. Carr Education Consultants, LLC

Rich Ceruolo, Parent

Michelle R. Davis, M.Ed., ABCs for Life Success

Lisa Frank and Andrea Bennett, Special Kids Company

Marjorie Guldán and Rosemary Kitzinger, Bright Futures, LLC

Riya Gupta, Strong Schools Maryland

Beth Ann Hancock, Charting the Course, LLC

Leilani Hardy, Maryland Coalition of Families

Kalman Hettleman, Independent Advocate

Morgan Durand Horvath, M.Ed., Abilities Network

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, Co-Chair, Education Advocacy Coalition

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Monica Martinez, Martinez Advocacy

Beth Nolan, MAT, Education Team Allies

Ronza Othman, National Federation of the Blind of Maryland/Maryland Parents of Blind
Children

Kate Raab and Nicole Joseph, Law Office of Nicole Joseph

Rebecca Rienzi, Pathfinders for Autism

Karleen Spitulnik, Decoding Dyslexia Maryland

Ronnetta Stanley, M.Ed., Loud Voices Together

SB0819- State Board- LOI.pdf

Uploaded by: Richard Kincaid

Position: INFO

TO: Senate Committee on Education, Energy, and the Environment

BILL: Senate Bill (HB) 819 – *Public Schools - Open Enrollment - Policies and Funding*.

DATE: March 7, 2025

POSITION: Information

The Maryland State Department of Education (MSDE) provides this information regarding **Senate Bill (HB) 819 – *Public Schools - Open Enrollment - Policies and Funding***.

SB 819 Summary

SB 819 authorizes Local Education Agencies (LEAs) to adopt an open enrollment policy allowing students to attend a public school in a county where the student is not a resident. An LEA that adopts the policy will develop an application process and procedures for issuing and receiving payments between the sending and receiving LEAs. The LEA must also publish a report on the open enrollment capacity by school and grade level.

MSDE Information

The proposed legislation will impact State Aid calculations as it requires MSDE to provide the difference in funding if the local current expense per student in the sending LEA is less than the receiving LEA. SB 819 will require an update to the enrollment data collection system. The Department will need to adjust State Aid calculations to provide the difference in the local current expense per student, in the event that the sending LEA has a lower local current expense per student than the receiving LEA. Maryland's LEAs' Local Current Expense amount ranges from \$3,575 to \$10,531.

Under Maryland law, public school attendance is according to the geographic attendance area determined by the county board of education. (Ed. Art. §4–109). The statute states: “With the advice of the county superintendent, the county board shall determine the geographical attendance area for each school established...”. Some LEAs have created flexibility in enrollment or magnet programs that enroll students without regard to residence. LEAs have adjusted transportation and extracurricular participation rules to accommodate students attending schools that are not the zoned school.

The LEA that adopts an open enrollment policy must adopt an application process and financial procedures for payments between LEAs. Whether or not the LEA elects to adopt an open enrollment policy, it may still see an impact if residents of its county are able to enroll in a school in a county that does have such a policy.

MSDE respectfully requests consideration of these comments as SB 819 is discussed and deliberated.

For further information, please contact Dr. Akilah Alleyne (Executive Director of Government Affairs) at 410-767-0504, or Akilah.alleyne@maryland.gov