



Mary Pat Fannon, Executive Director
1217 S. Potomac Street
Baltimore, MD 21224
410-935-7281
marypat.fannon@pssam.org

BILL: HB 26
TITLE: Public Schools - Open Enrollment - Policies and Funding
DATE: February 25, 2026
POSITION: Unfavorable
COMMITTEE: House Ways and Means Committee
CONTACT: Mary Pat Fannon, Executive Director, PSSAM

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **opposes** House Bill 26.

This bill authorizes local boards of education to adopt an open enrollment policy. If adopted the local boards would be required to (1) allow a child from a sending county to be enrolled in a receiving school free of charge; (2) reserve space for students who are enrolled in the receiving school during the previous school year for automatic enrollment in each subsequent school year without application; (3) be published in an easily accessible manner on the local board's website; and (4) comply with applicable federal and State antidiscrimination laws.

The open enrollment policy authorized under House Bill 26, if adopted, would significantly limit local school boards' flexibility to manage enrollment, staffing, and resources in response to changing conditions. While participation is optional, the bill prescribes detailed requirements that constrain how districts may design and administer enrollment decisions, effectively limiting local discretion.

Superintendents, with their local boards, must retain discretion over enrollment decisions in order to manage resources, staffing, and capacity based on local conditions. For example, using existing statutory authority, the [Howard County Public School System](#) (HCPSS) allows students to apply for reassignment to schools with available capacity within the county. These enrollment decisions are discretionary, capacity-driven, and subject to ongoing review by the Superintendent, allowing the district to respond to changes in enrollment, staffing levels, and facility constraints.

By contrast, House Bill 26 would impose a more prescriptive open enrollment framework. Once a student is accepted under an open enrollment policy, the bill would require the receiving district to prioritize that student for continued enrollment in subsequent years, limiting the district's ability to reevaluate placements as enrollment patterns shift. This approach replaces locally tailored, flexible decision-making with a rigid structure that reduces superintendent authority and constrains districts' ability to adapt to changing student populations.

In addition, the policy would introduce fiscal unpredictability for a 'sending county' that experiences a large number of students moving to other districts as budgets are mainly driven by enrollment. While revenues "follow students," many costs remain fixed so shifting enrollment does not always result in an equal staffing or fixed cost adjustment.

Current law also requires the State to cover the difference when a student transfers to a higher-cost district. As proposed under the bill a district can choose to participate. However, students moving from "non-participating" districts to "participating districts" creates even more fiscal instability and the State would likely see increases in expenditures to cover the different enrollment shifts between low and high-cost districts.

PSSAM has a longstanding policy of resisting legislation that would restrict local authority and limit superintendents' ability to respond to local needs. We ask the Legislature to support the historical balance in crafting education policy by allowing superintendents, along with their boards of education, to enact locally-appropriate eligibility and enrollment policies.

For these reasons, PSSAM **opposes** HB 26 and kindly requests an **unfavorable** committee report.