

SB 101-FN - AS AMENDED BY THE HOUSE

01/29/2026 0194s  
23Apr2026... 1451h

2025 SESSION

25-1042  
02/05

SENATE BILL        ***101-FN***

AN ACT            authorizing parents to enroll their children in any public school in the state.

SPONSORS:        Sen. Lang, Dist 2; Sen. Innis, Dist 7; Sen. Gray, Dist 6; Sen. Sullivan, Dist 18;  
Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Rep. Osborne, Rock. 2; Rep. Hill, Merr.  
2; Rep. Layon, Rock. 13

COMMITTEE:      Education

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AMENDED ANALYSIS

This bill directs the governing body of each school district to establish an open enrollment policy to allow pupils to transfer among schools within the district and from another district in the state. Each school would be required to provide notice of its capacity to accept open enrollment pupils and would require selection by lottery in the event applications exceed capacity. The bill also establishes a funding formula for payments by the department of education from the education trust fund for open enrollment pupils.

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Explanation:      Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT authorizing parents to enroll their children in any public school in the state.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Open Enrollment. RSA 194-D is repealed and reenacted to read as follows:

2 CHAPTER 194-D

3 OPEN ENROLLMENT SCHOOLS

4 194-D:1 Definitions. In this chapter:

5 I. "Capacity" means the number of pupil seats available for any grade, program, or technical  
6 education program in a public school without the addition of staff. Capacity shall be determined by  
7 the governing body of the school district and need not equal the maximum number of pupils  
8 otherwise allowed by law.

9 II. "Open enrollment school" means any district public school that provides educational  
10 services to pupils outside its district.

11 III. "Open enrollment pupil" means any pupil who attends a school outside of their resident  
12 school district pursuant to the terms of this statute.

13 IV. "Parent" means a parent, guardian, or other person or entity having legal custody of a  
14 child or, in the case of a child with a disability, a surrogate parent who has been appointed in  
15 accordance with state or federal law.

16 V. "Pupil" means any child who is eligible for attendance in public schools in New  
17 Hampshire in kindergarten through grade 12 who is a resident of this state.

18 VI. "Receiving district" means a district receiving pupils from outside of the school district.

19 VII. "Receiving school" means a district public school receiving pupils from another school  
20 district under this statute.

21 VIII. "Resident district" means the school district in which the pupil resides.

22 IX. "School board" means the school district school board.

23 X. "State board" means the state board of education.

24 194-D:2 Establishment; Parental Choice; Admission.

25 I. Each district governing body shall establish an open enrollment policy to allow pupils to  
26 transfer among schools within the district and from another district in the state, or from any state  
27 that has an interstate compact with New Hampshire that does not require nonresident pupils to pay  
28 an application fee or tuition.

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1           II. The governing body of each school district shall determine the capacity of each school in  
2 the district, including the capacity of each grade level, career and technical education program, and  
3 other academic program with enrollment limitations.

4           III. The governing body shall develop an open enrollment policy to determine what number  
5 of the total capacity of any grade level or career, and technical education program shall be allotted  
6 for open enrollment pupils.

7           IV. The district shall publish on its website the total capacity, under paragraph II, and the  
8 number of available allocated open enrollments spots, under paragraph III, that are available for  
9 each school, grade level, career and technical education program, and other academic program with  
10 enrollment limitations on or before July 1 and December 15 of each year.

11           V. Each school district in the state shall report annually to the department of education the  
12 number of applications, acceptances, and denials, and the reason for each denial. The department of  
13 education shall publish the data annually on its website and provide reports to the senate and house  
14 education committees, and the state board of education.

15           VI. A parent may apply to any public school within the state on behalf of a pupil.

16           VII. Applications may be made on behalf of eligible pupils to more than one school or  
17 program with available capacity.

18           VIII. Every school shall make information about its curriculum and policies available on its  
19 website.

20           IX. There shall be no application fee for pupil admission to any public school.

21           X. Applications for open enrollment may be denied only for the following reasons:

22               (a) The pupil was expelled by the pupil's previous district;

23               (b) The pupil has a documented history of significant disciplinary issues that are not  
24 documented as part of an identified disability;

25               (c) The pupil has a documented history of chronic absenteeism that is not documented  
26 through a section 504 plan or IEP, through McKinney Vento status, or due to Foster Care, or as a  
27 result of bullying;

28               (d) The school, grade level, program, or class has reached the allotted capacity set for  
29 open enrollment pupils by the school district's governing body pursuant to paragraph III; or

30               (e) The pupil does not satisfy the prerequisite requirements for the program.

31           XI. No receiving school shall accept or reject an applicant based on pupil needs, special  
32 education needs, disability of a pupil, aptitude, or athletic achievement.

33           XII. School boards may adopt application procedures and deadlines for applications for  
34 enrollment; provided that:

35               (a) Applications for enrollment shall be open at least twice per academic year.

1 (b) If the number of applicants for enrollment exceeds capacity as established under  
2 paragraph III, enrollment shall be determined by a random selection lottery that provides equal  
3 opportunity for admissions.

4 (c) The lottery shall be conducted in a fair, transparent, and non-discriminatory manner.

5 (d) Nothing in this section shall prohibit a school board from adopting a policy that  
6 establishes preferences in the lottery for:

7 (1) Siblings of currently enrolled pupils;

8 (2) Children of school employees;

9 (3) Pupils residing within a defined geographical boundary; and/or

10 (4) A student residing in New Hampshire with one or more parent or guardian who is  
11 on active military duty, regardless of the physical location or place of residence of the active-duty  
12 parent or guardian.

13 (e) Any preferences established by a district's open enrollment policy shall be published  
14 with the application, prior to the start of the application period.

15 XIII. An open enrollment pupil shall maintain continuous enrollment in the receiving school  
16 without requirement of reapplication, except in cases of expulsion.

17 XIV. School board policies shall provide an admission preference prioritizing open  
18 enrollment pupils matriculating with the same cohort.

19 XV. For the purposes of open enrollment pupil, neither the resident nor the receiving school  
20 district shall be obligated to provide transportation services for pupils attending a school outside the  
21 pupil's resident district. A parent may provide transportation to a bus stop on an existing route,  
22 unless otherwise determined by an IEP or Section 504 Plan, as determined by the receiving school  
23 district. The receiving district shall provide the parents with information regarding transportation  
24 options.

25 XVI. A pupil may withdraw from an open enrollment school at any time and enroll in a  
26 public school where the pupil resides, except that no pupil shall change schools more than once per  
27 academic year. The school board of the pupil's resident district may waive this limitation after a  
28 hearing.

29 194-D:3 Funding.

30 I.(a) There shall be no tuition charge for any pupil attending an open enrollment school.

31 (b) For each open enrollment pupil, the department of education shall pay aid amounts  
32 pursuant to RSA 198:40-a, II(a)-(c) plus the additional grant pursuant to RSA 194-B:11, I(b)(1)(A) to  
33 all open enrollment public schools according to the average daily membership in attendance  
34 pursuant to RSA 198:38, I(a). The department shall adjust the rates specified in this subparagraph  
35 in accordance with RSA 198:40-d.

36 II.(a) Districts with an existing tuition agreement shall follow the terms of any existing and  
37 active tuition agreement as applicable between both parties. Notwithstanding any provision herein,

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1 nothing in this statute shall relieve a district from providing at least one education option that does  
2 not require additional tuition payment from the parent. A district not operating a school, serving  
3 any grade from kindergarten through grade 12, shall maintain an active tuition agreement that has  
4 been approved by the school board to provide pupils with the opportunity to acquire an adequate  
5 education as defined in RSA 193-E:2.

6 (b) Districts receiving an open enrollment pupil from a resident district that already has  
7 a tuition agreement with the receiving open enrollment school shall not receive an open enrollment  
8 aid amount. The resident district shall follow their tuition agreement and shall receive the adequacy  
9 aid amount as calculated and distributed pursuant to RSA 198:42, III. Open enrollment public  
10 schools shall report to the department of education the number of open enrollment pupils attending  
11 each school.

12 (c) Any district where the number of pupils residing in the district and calculated  
13 towards the open enrollment grant pursuant to paragraph I exceeds the number of resident district  
14 pupils calculated towards the adequacy calculation pursuant to RSA 198:38, I-a shall have their  
15 existing tuition agreement presented by the district to the state board of education. The state board  
16 of education may require the district to enter into a new tuition agreement.

17 III. For a pupil attending an open enrollment school in another school district, the  
18 department of education shall calculate and distribute open enrollment aid payments during the  
19 year in which the pupil is educated as set forth in this paragraph. The first payment shall be 30  
20 percent of the per pupil open enrollment aid amount, excluding differential aid components pursuant  
21 to RSA 198:40-a, II(b)-(d), multiplied by the number of eligible pupils enrolled on October 1st. Such  
22 payment shall be made on November 1st, January 1st, and April 1st. To calculate the final  
23 payment, the department of education shall multiply the per pupil amount, including differential aid  
24 components pursuant to RSA 198:40-a, II(b)-(d), by the average daily membership in attendance for  
25 the full school year, and subtract the total amount of the first 3 payments made. The remaining  
26 balance shall be the final payment paid on October 1st of the following school year.

27 IV. The source of funds for payments under this section shall be moneys from the education  
28 trust fund established in RSA 198:39. The governor is authorized to draw a warrant from the  
29 education trust fund to satisfy the state's obligation under this section. Such warrant for payment  
30 shall be issued regardless of the balance of funds available in the education trust fund. If the  
31 balance in the education trust fund, after the issuance of any such warrant, is less than zero, the  
32 state comptroller shall transfer sufficient funds from the general fund to eliminate such deficit.

33 V. In accordance with current department of education standards, the funding and  
34 educational decision-making process for children with disabilities transferring to a school shall be  
35 the responsibility of the resident school district and shall retain all current options available to the  
36 parent and to the school district.

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1 VI. The commissioner of the department of education shall apply for all federal funding  
2 available to open enrollment schools under any federal source of funds. The commissioner shall  
3 expend any such funds received in a manner acceptable to the funding source.

4 VII. A resident district may provide funds, services, transportation, equipment, materials, or  
5 personnel to a school, in addition to the amounts specified in this section in accordance with the  
6 policies of the resident school district.

7 194-D:4 District of Liability for Special Education Services. The resident district shall remain  
8 responsible for educational decision making and the provision of special education and related  
9 services under RSA 186-C, consistent with the child's IEP, for pupils with disabilities who transfer to  
10 a school outside the resident district.

11 194-D:5 State Board; Duties.

12 I. The state board shall adopt rules, pursuant to RSA 541-A, consistent with the provisions  
13 of this chapter relative to the administration of enrollment in public schools across the state.

14 II. The state board shall convene one or more working committees to study and make  
15 recommendations regarding the implementation and effectiveness of open enrollment policies. The  
16 recommendations shall be provided to the legislative oversight committee in RSA 193-C:8-a.

17 2 New Subparagraph; Education Trust Fund; Open Enrollment Aid. Amend RSA 198:39, I by  
18 inserting after subparagraph (q) the following new subparagraph:

19 (r) To fund open enrollment aid pursuant to RSA 194-D.

20 3 Effective Date. This act shall take effect July 1, 2027.

**SB 101-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2026-0194s)

AN ACT authorizing parents to enroll their children in any public school in the state and creating a limited exemption from parental consent required for certain recordings under the parental bill of rights.

**FISCAL IMPACT:**

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable		
<i>Funding Source(s)</i>	General Fund and Education Trust Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
<b>Local Revenue</b>	\$0	Indeterminable		
<b>Local Expenditures</b>	\$0	Indeterminable		

**METHODOLOGY:**

This bill, effective July 1, 2026, allows parents to send their children to public schools outside of their resident district, by making all New Hampshire public schools open enrollment schools. It is not possible to predict how many students may seek to enroll in a school outside their resident district, as allowed by this bill, and therefore it is not possible to predict this bill's impact on state aid programs, or local school district revenues or expenditures.

**AGENCIES CONTACTED:**

Department of Education