

Reason Foundation Comments on New Hampshire Senate Bill 101

Prepared for: Committee on Education Policy and Administration,
New Hampshire House of Representatives

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Chair Noble, Vice Chair Peternel, and distinguished members of the New Hampshire House Committee on Education Policy and Administration:

Thank you for the opportunity to submit testimony on [Senate Bill \(SB\) 101](#), *An Act Authorizing Parents to Enroll Their Children in Any Public School in the State*.

My name is Christopher Wilson, and I am a government affairs manager at [Reason Foundation](#), a national 501(c)(3) public policy research and education organization with expertise across a range of policy areas. In addition to specializing in school finance policy, our [K–12 education policy team](#) is a leader in public school [open enrollment policy research](#), publishing an annual analysis and rating of each state’s open enrollment laws: [Public Schools Without Boundaries](#).

Strong open enrollment laws can benefit students and school districts. They ensure students can attend public schools that are the right fit for their goals and needs, with many using these programs to [enroll in A- or B-rated school districts](#), [escape bullying](#), [pursue college-level courses and specialized learning models](#), [access smaller class sizes](#), or [shorten their commute to school](#).

A [report](#) from the nonpartisan California Legislative Analyst’s Office and a 2023 Reason Foundation [study](#) both found that the competitive effects of open enrollment also encourage public school districts to improve. In fact, when interviewed for a 2023 EdChoice [report](#), public school district administrators in Arizona, North Carolina, Indiana, and Florida stated that open enrollment encouraged them to innovate by creating new programs and improving existing programs to better attract and retain students.

Research also shows that K–12 open enrollment is widely used and supported. Reason Foundation’s [analysis](#) in Harvard University’s *Education Next* found 1.8 million students across 27 states and Washington, D.C. used within- and cross-district policies. Furthermore, according to a [2025 national poll](#) by EdChoice, 75% of school parents across party lines—80% of Republicans, 75% of Democrats, and 74% of independents—favor open enrollment policies that allow families to attend public schools outside their assigned district’s boundaries. This bipartisan support led, in part, to open enrollment legislation being enacted in [Idaho, Montana, and West Virginia](#) (2023) and [Nevada](#) (2025).

Moreover, state data shows that open enrollment participation [increases gradually](#) over time. For example, [Wisconsin’s data](#) showed that program participation increased from 2% in 2005 to 8% of students as of the 2024–2025 school year. As such, school districts—including those that initially lose more students than they take in—have time to respond to fluctuations in enrollment.



Yet, as explained in [Public Schools Without Boundaries 2025](#), New Hampshire's current open enrollment policies are not adequately serving students, [scoring merely a 45](#) out of Reason's 100-point best practices criteria (an "F" letter grade), leaving substantial room for policy improvements across most of the key metrics that the study evaluates.

SB 101 would significantly strengthen the state's discretionary cross-district open enrollment program, which allows students to transfer to public schools in other districts accepting applicants.

In particular, the bill would require all of New Hampshire's school districts to participate in the cross-district program and accept transfer applicants—regardless of their abilities—so long as the receiving district has extra seats available at the student's grade level. If codified, the legislation would make New Hampshire the [17th state](#) to adopt universal cross-district open enrollment, empowering families to match their children with schools that best fit their needs.

SB 101—like [most open enrollment policies](#)—would allow districts to determine their own capacity for accepting transfer students and to decline applications when demand exceeds available seats, sparing them from needing to hire more teachers or construct new facilities. Accordingly, the bill's funding provision—which is [extraordinarily generous compared to other states](#)—would more than cover the marginal cost of educating transfer students within existing capacity. SB 101, therefore, would provide a [tool](#) for districts [to recoup](#) funding lost to [declining local enrollment](#).

The bill also includes excellent transparency provisions at the state and local levels. Districts would be required to post their available capacity by school and grade level on their websites, informing parents where seats are open. Likewise, the New Hampshire Department of Education would be required to annually publish district-level student transfer data, including the number of transfer applications received, accepted, and rejected (disaggregated by the reasons for denial).

Overall, SB 101 is a strong bill that would improve New Hampshire's open enrollment policies by 37 points, boosting the state to an 82 out of 100 possible points on best practices (a "B-"), surpassing New England states like Massachusetts, Vermont, and Connecticut. This would make it the [12th best](#) public school transfer law in the nation—and the best in the Northeast.

Even still, SB 101 leaves room for future improvement. School districts should be required to post their open enrollment policies on their websites, so families know when, where, and how to apply. They should also be required to inform rejected applicants of the reasons for their denial—in writing—and those applicants should be permitted to appeal the denial to the New Hampshire Department of Education. Lastly, the department's annual reports should include the number of transfers (not just applications) each district receives.

Thank you again for allowing me to submit testimony on Senate Bill 101. Please do not hesitate to reach out to me or my colleagues with any follow-up questions.

Respectfully submitted,

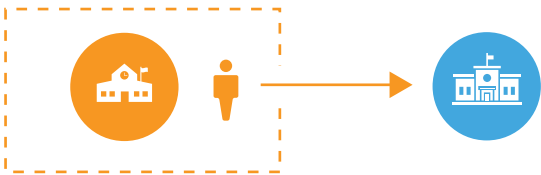
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K-12 OPEN ENROLLMENT IN NEW HAMPSHIRE

WHAT IS OPEN ENROLLMENT?

This policy lets students attend traditional public schools other than their assigned ones. There are two types of open enrollment: Cross-district lets students transfer to schools outside their assigned districts, while within-district lets students transfer to schools inside their school district.



BENEFITS



Escape bullying



Can help rural school districts sustain or grow enrollment levels¹



Improves school districts by incentivizing them to be more responsive to the needs of families



Access to specialized academic approaches including arts, classical education, college prep, and STEM



Access to high-performing schools

- In Florida and Arizona, most cross-district transfers enroll in A or B rated districts.²
- Poorly rated Wisconsin districts lose the most students.³

MODEL POLICY

DELAWARE

- All districts must offer open enrollment
- Districts can't charge transfer tuition
- Districts must report policies and available capacity on their websites



84% of Americans support open enrollment.⁴

NEW HAMPSHIRE

Open Enrollment Score for Policymakers		Score
Statewide cross-district open enrollment (Max: 60 points) School districts must participate in cross-district enrollment so long as there are open seats, only rejecting applicants when space is no longer available.		30
Statewide within-district open enrollment (Max: 15 points) School districts must participate in within-district enrollment so long as there are open seats, only rejecting applicants when space is no longer available.		15
Children have free access to all public schools (Max: 10 points) School districts should not charge families transfer tuition.		0
Public schools are open to all students (Max: 5 points) School districts shall not discriminate against transfer applicants based on their abilities or disabilities.		0
Transparent reporting by the state education agency (Max: 4 points) The state education agency annually publishes district-level open enrollment data, including transfer students accepted, rejected applications, and why they were rejected.		0
Transparent school district reporting (Max: 4 points) Districts must annually post seating capacity by grade level, and all open enrollment policies and procedures on their websites.		0
Transfer applicants can appeal rejected applications (Max: 2 points) Districts must notify rejected applicants in writing why they were denied. Rejected applicants can appeal their denial to a neutral entity, whose decision shall be final.		0
Total Score (Max: 100 pts)		45
Grade		F



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1. Jude Schwalbach, "The important role of K-12 open enrollment policies in public schools," Reason Foundation, Commentary, July 10, 2024.
2. Ibid. 3. Ibid. 4. Yes, every kid.-YouGov, "Landmark poll: Americans believe expanding freedom strengthens education," October 18, 2023.