

**Written Testimony in Opposition to SB 101**  
**Mandatory Universal Open Enrollment**  
**Submitted by: Johanna Hanley, East Kingston, NH**  
**March 25, 2026**

I submit this testimony in strong opposition to SB 101. I speak as a parent of two children; one currently enrolled in New Hampshire public schools and one future public school student. I also speak as an education policy and law researcher with a PhD and ten years of scholarship in this field. For several of those years, I worked as a researcher on a William T. Grant Foundation–funded study led by Professors Janelle Scott (UC Berkeley), Elizabeth DeBray (University of Georgia), and Christopher Lubienski (University of Illinois), investigating how intermediary organizations produce, promote, and use research evidence to shape education policy—particularly around market-oriented reforms like school choice and open enrollment. That work has direct bearing on what this legislature is doing right now.

**This Is Not How Sound Policy Gets Made**

The Senate passed this sweeping legislation without a single public hearing in either chamber, attached it to an unrelated House bill, and sent it to the House floor within days. More than 600 school board members and superintendents signed a letter urging legislators to slow down. Voters in more than 60 communities passed warrant articles at March town meeting limiting or prohibiting open enrollment. The democratic signal from constituents could not be clearer. Scholars of education governance, including Jonathan Collins at Brown University, have documented that bypassing deliberative process (e.g., hearings, public comment, community input) produces not just bad politics, but structurally worse policy. SB 101 is a case study in what happens when that process is skipped.

**Who Is Actually Driving This—and Why It Matters**

The William T. Grant research I contributed to found a consistent pattern across multiple states: large philanthropies fund think tanks and advocacy organizations to produce and promote research supporting their reform priorities. Those intermediary organizations then work to persuade policymakers to adopt their agendas, often regardless of what independent peer-reviewed research shows. Critically, the same research team found that very few policymakers actually report using research when making decisions. The evidence does not flow from research to policy—it flows from agenda to narrative to policy, with intermediaries providing the connective tissue.

In New Hampshire, the Josiah Bartlett Center for Public Policy, a member of the national State Policy Network of free market think tanks, has been the primary advocate for open enrollment. Its president also serves as chair of the NH State Board of Education. This is precisely the intermediary organization dynamic that Scott, DeBray, and Lubienski documented: the same organization shaping the policy narrative and sitting inside the governance structure that implements it.

**The Fiscal Reality of SB 101 in New Hampshire**

New Hampshire funds only 19.9% of public education costs at the state level—the lowest in the nation. In states where open enrollment functions without serious fiscal damage, state

governments cover 43–65% of costs. That buffer does not exist here. As school finance scholar Bruce Baker has documented, per-pupil cost figures represent the cost of running a school divided by enrollment—not the cost of educating one child. When students leave, fixed costs do not. Reaching Higher NH’s analysis shows that if just four students leave Somersworth for Portsmouth, Somersworth owes more than \$70,000 to Portsmouth while its own costs remain virtually unchanged. That is roughly equivalent to a teacher’s salary, gone. For small, rural NH districts, which Baker’s research identifies as most fiscally vulnerable to enrollment loss, this is not a manageable inconvenience. It is an existential threat.

### **The Research Does Not Support This Policy**

The scholarly literature does not provide the endorsement this bill’s sponsors imply. Christopher Lubienski’s peer-reviewed research finds that market competition in education tends to generate promotional strategies rather than instructional improvement, and that recent large-scale U.S. studies on choice policies show negative achievement impacts. Unregulated open enrollment consistently produces access stratified by income and transportation—not by student need. In a state where families may owe more than \$10,000 per year in tuition differences and must provide their own transportation, “universal” open enrollment is an aspiration, not a reality.

### **The Real Problem Remains Unaddressed**

The core challenge for NH public schools is chronic state underfunding of the constitutional obligation to provide every child an adequate education. SB 101 does not address that. It redistributes students and dollars, primarily from less wealthy districts to wealthier ones, while leaving the structural problem intact.

### **My Ask**

I urge this committee to vote “Inexpedient to Legislate” on SB 101. This bill was passed without fiscal analysis, without public hearings, and over the unified objections of hundreds of educators and dozens of communities. It substitutes an intermediary organization’s agenda for the genuine needs of Granite State students and families. The research is clear. The constituents have spoken. The question before this committee is whether the legislature is listening to the people of New Hampshire—or to the organizations paid to convince them otherwise.

Respectfully submitted,

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