

SENATE BILL 819

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5lr2628

By: **Senators Watson and Attar**

Introduced and read first time: January 28, 2025

Assigned to: Education, Energy, and the Environment and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Open Enrollment – Policies and Funding**

3 FOR the purpose of authorizing a county board of education to adopt an open enrollment
4 policy to authorize certain students to attend a public school in a county other than
5 the county where the student is domiciled with the student's parent or guardian,
6 subject to certain requirements; requiring county boards to include certain students
7 in full-time equivalent enrollment counts; directing certain funding to the county in
8 which certain students are enrolled in a public school under an open enrollment
9 policy; and generally relating to open enrollment in public schools.

10 BY repealing and reenacting, without amendments,
11 Article – Education
12 Section 7–101(a)
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 7–101(b)(1)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 BY adding to
21 Article – Education
22 Section 7–101.4
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2024 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

7–101.

(a) All individuals who are 5 years old or older and under 21 shall be admitted free of charge to the public schools of this State.

(b) (1) Except as provided in **§ 4–121 OF THIS ARTICLE, § 7–101.4 OF THIS SUBTITLE, AND § 7–301** of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child’s parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

7–101.4.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FULL–TIME EQUIVALENT ENROLLMENT” HAS THE MEANING STATED IN **§ 5–201 OF THIS ARTICLE.**

(3) “LOCAL CURRENT EXPENSE PER STUDENT” MEANS ALL EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION IN THE PREVIOUS FISCAL YEAR DIVIDED BY FULL–TIME EQUIVALENT ENROLLMENT.

(4) “OPEN ENROLLMENT POLICY” MEANS A POLICY ADOPTED BY A COUNTY BOARD IN ACCORDANCE WITH THIS SECTION THAT AUTHORIZES A CHILD WHO IS OTHERWISE ELIGIBLE TO ATTEND A PUBLIC SCHOOL IN THE STATE TO ATTEND A PUBLIC SCHOOL FREE OF CHARGE IN A COUNTY OTHER THAN THE COUNTY WHERE THE CHILD IS DOMICILED WITH THE CHILD’S PARENT OR GUARDIAN.

(5) “RECEIVING COUNTY” OR “RECEIVING SCHOOL” MEANS A COUNTY OR A PUBLIC SCHOOL IN A COUNTY IN WHICH A STUDENT FROM A SENDING COUNTY IS ENROLLED UNDER AN OPEN ENROLLMENT POLICY.

(6) “SENDING COUNTY” OR “SENDING SCHOOL” MEANS A COUNTY OR A PUBLIC SCHOOL IN A COUNTY IN WHICH A STUDENT IS DOMICILED WITH THE STUDENT’S PARENT OR GUARDIAN.

(B) A COUNTY BOARD MAY ADOPT AN OPEN ENROLLMENT POLICY IN ACCORDANCE WITH THIS SECTION.

1 **(C) A COUNTY BOARD'S OPEN ENROLLMENT POLICY SHALL:**

2 **(1) ALLOW A CHILD FROM A SENDING COUNTY TO BE ENROLLED IN A**
3 **RECEIVING SCHOOL FREE OF CHARGE;**

4 **(2) RESERVE SPACE FOR STUDENTS WHO WERE ENROLLED IN THE**
5 **RECEIVING SCHOOL DURING THE PREVIOUS SCHOOL YEAR FOR AUTOMATIC**
6 **ENROLLMENT IN EACH SUBSEQUENT SCHOOL YEAR WITHOUT AN APPLICATION;**

7 **(3) BE PUBLISHED ON THE COUNTY BOARD'S WEBSITE IN A MANNER**
8 **THAT IS EASILY ACCESSIBLE FROM THE HOMEPAGE; AND**

9 **(4) COMPLY WITH APPLICABLE FEDERAL AND STATE**
10 **ANTIDISCRIMINATION LAWS.**

11 **(D) (1) A COUNTY BOARD THAT ADOPTS AN ENROLLMENT POLICY SHALL**
12 **ESTABLISH AN APPLICATION PROCESS THAT INCLUDES:**

13 **(I) AN APPLICATION FORM FOR A PARENT OR GUARDIAN TO**
14 **APPLY FREE OF CHARGE TO THE COUNTY BOARD TO ENROLL THE PARENT'S OR**
15 **GUARDIAN'S CHILD IN A RECEIVING SCHOOL;**

16 **(II) APPLICATION DEADLINES AND A PROCESS TO REQUEST A**
17 **WAIVER OF APPLICATION DEADLINES; AND**

18 **(III) AN APPLICATION REVIEW PROCESS THAT MEETS THE**
19 **REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION.**

20 **(2) (I) AN APPLICATION REVIEW PROCESS SHALL PROVIDE AN**
21 **ENROLLMENT PREFERENCE FOR CHILDREN WHO ARE:**

22 **1. ZONED TO THE SCHOOL; OR**

23 **2. SIBLINGS OF ENROLLED STUDENTS.**

24 **(II) IN INSTANCES WHERE THE TOTAL NUMBER OF**
25 **APPLICATIONS EXCEEDS THE RECEIVING SCHOOL'S OPEN ENROLLMENT CAPACITY,**
26 **AN APPLICATION REVIEW PROCESS SHALL USE AN EQUITABLE SELECTION PROCESS,**
27 **WHICH MAY BE A LOTTERY, THAT MAINTAINS THE ENROLLMENT PREFERENCES**
28 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

(III) AN APPLICATION REVIEW PROCESS SHALL PROVIDE WRITTEN NOTIFICATION OF APPROVAL OR DENIAL WITHIN A REASONABLE AMOUNT OF TIME AFTER SUBMISSION OF AN APPLICATION.

(3) (I) A COUNTY BOARD SHALL MAKE APPLICATION FORMS AVAILABLE:

1. IN HARD COPY FORMAT AT THE OFFICES OF THE COUNTY BOARD; AND

2. IN ELECTRONIC FORMAT ON THE COUNTY BOARD'S WEBSITE IN A MANNER THAT IS EASILY ACCESSIBLE FROM THE HOMEPAGE.

(II) AVAILABLE APPLICATION FORMS SHALL INCLUDE INSTRUCTIONS THAT THE OPEN ENROLLMENT POLICY IS AVAILABLE FREE OF CHARGE.

(E) A COUNTY BOARD THAT ADOPTS AN OPEN ENROLLMENT POLICY SHALL:

(1) TRACK THE OPEN ENROLLMENT CAPACITY BY SCHOOL AND GRADE LEVEL;

(2) PUBLISH A REPORT ON THE OPEN ENROLLMENT CAPACITY BY SCHOOL AND GRADE LEVEL ON THE COUNTY BOARD'S WEBSITE IN A MANNER THAT IS EASILY ACCESSIBLE FROM THE HOMEPAGE; AND

(3) UPDATE THE REPORT REQUIRED UNDER ITEM (2) OF THIS SUBSECTION AT LEAST EVERY 4 WEEKS.

(F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A COUNTY BOARD THAT ADOPTS AN OPEN ENROLLMENT POLICY OR A SCHOOL SUBJECT TO AN OPEN ENROLLMENT POLICY TO:

(1) MAKE ALTERATIONS IN THE STRUCTURE OF A SCHOOL OR THE ARRANGEMENT OR FUNCTIONS OF ROOMS WITHIN A SCHOOL;

(2) ESTABLISH OR OFFER ANY PARTICULAR PROGRAM IN A SCHOOL IF THE PROGRAM IS NOT CURRENTLY OFFERED AT THE SCHOOL; OR

(3) ALTER OR WAIVE ANY ESTABLISHED ELIGIBILITY CRITERIA FOR PARTICIPATION IN A PARTICULAR PROGRAM, INCLUDING AGE REQUIREMENTS, COURSE PREREQUISITES, AND REQUIRED LEVELS OF PERFORMANCE.

1 **(G) A RECEIVING SCHOOL MAY DENY AN APPLICATION TO ENROLL A CHILD**
2 **FOR ANY OF THE FOLLOWING REASONS:**

3 **(1) LACK OF CAPACITY WITHIN THE SCHOOL;**

4 **(2) THE SCHOOL DOES NOT OFFER APPROPRIATE PROGRAMS OR IS**
5 **NOT STRUCTURED OR EQUIPPED WITH THE NECESSARY FACILITIES TO MEET ANY**
6 **SPECIAL NEEDS OF THE CHILD;**

7 **(3) THE SCHOOL DOES NOT OFFER A PARTICULAR PROGRAM**
8 **REQUESTED BY A CHILD'S PARENT OR GUARDIAN;**

9 **(4) THE CHILD DOES NOT MEET THE ESTABLISHED ELIGIBILITY**
10 **CRITERIA FOR PARTICIPATION IN A PROGRAM, INCLUDING AGE REQUIREMENTS,**
11 **COURSE PREREQUISITES, AND REQUIRED LEVELS OF PERFORMANCE;**

12 **(5) A DESEGREGATION PLAN IS IN EFFECT FOR THE LOCAL SCHOOL**
13 **SYSTEM AND A DENIAL IS NECESSARY TO MAINTAIN COMPLIANCE WITH THE**
14 **DESEGREGATION PLAN; OR**

15 **(6) THE CHILD HAS BEEN EXPELLED FROM A SCHOOL OR IS IN THE**
16 **PROCESS OF EXPULSION FOR HABITUAL DISRUPTION OF EDUCATIONAL ACTIVITIES.**

17 **(H) A SCHOOL SUBJECT TO AN OPEN ENROLLMENT POLICY SHALL:**

18 **(1) CONSIDER ANY STUDENT ENROLLED UNDER AN OPEN**
19 **ENROLLMENT POLICY ENROLLED FOR ALL PURPOSES, INCLUDING SCHOOL**
20 **ATTENDANCE, ACCOUNTABILITY, AND GRADUATION; AND**

21 **(2) ACCEPT CREDITS TOWARD GRADUATION AWARDED TO A STUDENT**
22 **BY THE SENDING COUNTY.**

23 **(I) (1) A COUNTY BOARD THAT HAS ADOPTED AN OPEN ENROLLMENT**
24 **POLICY MAY PROVIDE TRANSPORTATION SERVICES TO A STUDENT.**

25 **(2) IF A COUNTY BOARD PROVIDES TRANSPORTATION SERVICES TO A**
26 **STUDENT ENROLLED UNDER THE OPEN ENROLLMENT POLICY, THE RECEIVING**
27 **COUNTY BOARD SHALL PAY THE COSTS OF THE TRANSPORTATION SERVICES.**

28 **(J) (1) A RECEIVING COUNTY BOARD SHALL INCLUDE THE STUDENTS IN**
29 **A RECEIVING SCHOOL IN THE FULL-TIME EQUIVALENT ENROLLMENT COUNT.**

1 **(2) EACH FISCAL YEAR, FOR EACH STUDENT ENROLLED IN A SCHOOL**
2 **UNDER AN OPEN ENROLLMENT POLICY IN ANOTHER COUNTY, THE SENDING COUNTY**
3 **BOARD SHALL SEND THE RECEIVING COUNTY BOARD AN AMOUNT EQUAL TO THE**
4 **LESSER OF:**

5 **(I) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE**
6 **SENDING COUNTY; OR**

7 **(II) THE LOCAL CURRENT EXPENSE PER STUDENT IN THE**
8 **RECEIVING COUNTY.**

9 **(3) IF THE LOCAL CURRENT EXPENSE PER STUDENT IN THE SENDING**
10 **COUNTY IS LESS THAN THE LOCAL CURRENT EXPENSE PER STUDENT IN THE**
11 **RECEIVING COUNTY, THE STATE SHALL PROVIDE THE DIFFERENCE TO THE**
12 **RECEIVING COUNTY BOARD.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2025.