

HOUSE BILL 26

F1
SB 819/25 – EEE & B&T

(PRE-FILED)

6lr1414
CF 6lr1556

By: Delegate Toles

Requested: October 29, 2025

Introduced and read first time: January 14, 2026

Assigned to: Ways and Means

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 (2025 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 7–101(b)(1)
18 Annotated Code of Maryland
19 (2025 Replacement Volume and 2025 Supplement)

20 BY adding to
21 Article – Education
22 Section 7–101.4
23 Annotated Code of Maryland
24 (2025 Replacement Volume and 2025 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

2 7-101.

3 (a) All individuals who are 5 years old or older and under 21 shall be admitted
4 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.

10 7-101.4.

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

(2) "FULL-TIME EQUIVALENT ENROLLMENT" HAS THE MEANING
STATED IN § 5-201 OF THIS ARTICLE.

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

25 **(5) "RECEIVING COUNTY" OR "RECEIVING SCHOOL" MEANS A**
26 **COUNTY OR A PUBLIC SCHOOL IN A COUNTY IN WHICH A STUDENT FROM A SENDING**
27 **COUNTY IS ENROLLED UNDER AN OPEN ENROLLMENT POLICY**

28 **(6) "SENDING COUNTY" OR "SENDING SCHOOL" MEANS A COUNTY OR**
29 **A PUBLIC SCHOOL IN A COUNTY IN WHICH A STUDENT IS DOMICILED WITH THE**
30 **STUDENT'S PARENT OR GUARDIAN**

31 (B) A COUNTY BOARD MAY ADOPT AN OPEN ENROLLMENT POLICY IN
32 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 OPEN ENROLLMENT POLICY

12 SHALL 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.

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

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

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

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

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

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

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

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

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

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

28 **(3) ALTER OR WAIVE ANY ESTABLISHED ELIGIBILITY CRITERIA FOR**
29 **PARTICIPATION IN A PARTICULAR PROGRAM, INCLUDING AGE REQUIREMENTS,**
30 **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, 2026.