



Open Enrollment Policies 2022

Are open enrollment programs subject to desegregation provisions?

March 2022

This datapoint captures provisions in state policy that explicitly address racial integration or balance in schools and court or federal desegregation orders. For additional information on state efforts to integrate schools, consult [State Policy Options to Promote K-12 Integration](#).

STATE	Are open enrollment programs subject to desegregation provisions?	Citation for desegregation provisions
Alabama	Not specified in state policy.	
Alaska	Not specified in state policy.	
Arizona	Not specified in state policy.	Ariz. Rev. Stat. Ann. § 15-816.01
Arkansas	Yes. A district is permitted to reject an application for transfer if it demonstrates that accepting the application would violate a court desegregation order.	Ark. Code Ann. § 6-18-227 Ark. Code Ann. § 6-18-1901 et seq.
California	Yes. Under both voluntary and mandatory provisions, sending or receiving districts may prohibit a transfer if it would negatively impact a court-ordered or voluntary desegregation plan or the racial and ethnic balance of the district, not including transfers for children of active-duty military personnel.	Cal. Educ. Code § 48355 Cal. Educ. Code § 48307

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Colorado	Yes. Schools and school districts may deny enrollment under open enrollment policies to maintain compliance with a desegregation plan.	Colo. Rev. Stat. Ann. § 22-36-101
Connecticut	Yes. Districts are permitted to establish intradistrict and interdistrict open enrollment programs to reduce racial and ethnic isolation. The interdistrict open enrollment program is designed to reduce racial and ethnic isolation and maintain racial and ethnic balance in schools.	Conn. Gen. Stat. Ann. § 10-266aa Conn. Gen. Stat. Ann. § 10-226h
Delaware	Yes. Open enrollment must not conflict with a court-ordered desegregation plan. If it would, districts must establish a number of majority and minority group students who may transfer into or out of the district.	Del. Code Ann. tit. 14, § 406
District of Columbia	Not specified in state policy.	
Florida	Yes. District policies must adhere to federal desegregation requirements and maintain racial and socioeconomic balance.	Fla. Stat. Ann. § 1002.31
Georgia	Yes. Open enrollment may not interfere with any desegregation plans that are or may be in effect.	Ga. Code Ann. § 20-2-294
Hawaii	Not specified in state policy. However, open enrollment is allowed when mandated by federal law.	Haw. Rev. Stat. Ann. § 302A-1143
Idaho	Not specified in state policy.	
Illinois	Not specified in state policy. However, schools may reject a student's transfer request if it would prevent the school from fulfilling obligations under state and federal law, a court order, or consent decree. Attendance units in a district must be drawn with consideration of their impact on racial segregation.	105 Ill. Comp. Stat. Ann. 5/10-21.3a 105 Ill. Comp. Stat. Ann. 5/10-21.3
Indiana	Not specified in state policy.	

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Iowa	<p>Yes. Sending districts that are subject to court-ordered desegregation plans may deny transfer requests if the transfers would affect plan implementation, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district. Districts must give priority to transfer requests that would facilitate implementation of a court-ordered desegregation plan.</p> <p>The school board of a district subject to a desegregation order must develop a policy for open enrollment implementation that includes criteria for determining when a request would adversely impact the desegregation order and criteria for prioritizing requests that do not have an adverse impact on the order.</p>	Iowa Code Ann. § 282.18
Kansas	Not specified in state policy.	
Kentucky	Not specified in state policy.	
Louisiana	Yes. Open enrollment may not be permitted, and may not be exercised, if doing so violates the order of a court or competent jurisdiction.	La. Stat. Ann. § 17:4035.1
Maine	Not specified in state policy.	
Maryland	Not specified in state policy.	
Massachusetts	<p>Yes. School committees may adopt plans allowing for attendance by students from other cities, towns, or regional school districts where the students' assigned public school has a racial imbalance. A racial imbalance is defined as the condition of a public school in which more than 50% of students are non-white. Any non-white pupil attending any public school with a racial imbalance has the right to be transferred to any another school under the jurisdiction of the same school committee, or regional district school committee if racial isolation exists in otherwise-receiving schools. Any white pupil attending a public school in which racial isolation exists has the right to be transferred to any other school under the jurisdiction of the same school committee, or regional district school committee if racial imbalance exists in otherwise-receiving schools. Racial isolation is defined as the condition of a public school where not more than 30% of students are non-white.</p>	<p>Mass. Gen. Laws Ann. ch. 76, § 12A Mass. Gen. Laws Ann. ch. 71, § 37D</p>

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Michigan	Yes. If a district is subject to a court-ordered desegregation plan, and if the court issues an order prohibiting pupils residing in that district from enrolling in another district or prohibiting pupils residing in another district from enrolling in that district, state policy is subject to the court order. Additionally, the lottery system created for applicants if there are an insufficient number of school openings must abide by state and federal antidiscrimination laws and court orders.	Mich. Comp. Laws Ann. § 388.1705
Minnesota	Yes. In districts that have an achievement and integration plan approved by the commissioner of education, transfer applications may be submitted at any time and annual or periodic applications for enrollment are not required. Districts may still limit enrollment totals. Priority must be given to applications from students in approved integration and achievement plans.	Minn. Stat. Ann. § 124D.03
Mississippi	No. Statute states that there may be no governmentally enforced segregation or integration by reason of race, color, or national origin.	Miss. Code. Ann. § 37-15-35
Missouri	Yes. Whenever there is a federal court-ordered desegregation directive for a school district, open enrollment options are subject to the approval of the appropriate court. In the Metropolitan Schools Achieving Value in Transfer Corporation system in St. Louis, preference must be given to students attending a receiving district as part of a voluntary transfer program established in light of a federal desegregation order.	Mo. Ann. Stat. § 162.1059 Mo. Ann. Stat. § 162.1060
Montana	Not specified in state policy.	
Nebraska	Not specified in state policy. However, in learning communities, students may be prioritized for enrollment if they would contribute to the socioeconomic diversity of the school. This occurs either when a student who does not qualify to receive free or reduced-price lunches (FRPL) attends a school with a larger-than-average amount of students that do qualify for FRPL (as specified in statute), or when a student who does qualify to receive FRPL attends a school with a lower-than-average rate of students qualifying for FRPL.	Neb. Rev. Stat. Ann. § 79-238
Nevada	Not specified in state policy.	

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New Hampshire	Not specified in state policy.	
New Jersey	Yes. When a district applies to offer interdistrict open enrollment, the application must include an analysis of the potential impact of the program on student population diversity in all potential participating districts, and a plan for maintaining diversity in all potential participating districts. This plan may not be used to supersede a court-ordered desegregation plan. The commissioner may take action to provide that student population diversity - along ethnic, racial, economic, geographic and other lines - is maintained in all participating districts. For instance, the commissioner may override a district's enrollment restriction to a certain percentage of students if it is seen to adversely affect or limit the diversity of the remainder of the student population in the district that is not participating.	N.J. Stat. Ann. § 18A:36B-17 N.J. Stat. Ann. § 18A:36B-21
New Mexico	Not specified in state policy.	
New York	Not specified in state policy. However, participation in a voluntary urban-suburban transfer program is centered around the reduction of racial isolation.	N.Y. Comp. Codes R. & Regs. tit. 8, § 175.24 N.Y. Educ. Law § 3602
North Carolina	Not permitted.	
North Dakota	Not specified in state policy.	
Ohio	Yes. Each intradistrict and interdistrict open enrollment policy must include procedures to ensure that racial balance is maintained in the district.	Ohio Rev. Code Ann. § 3313.97 Ohio Rev. Code Ann. § 3313.98
Oklahoma	Not specified in state policy.	
Oregon	Not specified in state policy.	
Pennsylvania	Not specified in state policy.	

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Rhode Island	Not specified in state policy.	
South Carolina	Not specified in state policy.	
South Dakota	Not specified in state policy.	
Tennessee	Not specified in state policy.	
Texas	Not specified in state policy.	
Utah	Yes. Local school boards' standards for accepting or rejecting transfer applications may include maintaining heterogeneous student populations to avoid violation of constitutional or statutory rights of students.	Utah Code Ann. § 53G-6-402 et seq. Utah Admin. Code r. R277-437
Vermont	Not specified in state policy.	
Virginia	Yes. Any local board under a court-order to maintain racial balance must maintain that balance when accommodating preference in student assignment.	Va. Code Ann. § 22.1-269.1
Washington	Yes. A sending district may deny an interdistrict transfer request if the transfer would adversely affect the sending district's existing desegregation plan.	Wash. Rev. Code Ann. § 28A.225.220
West Virginia	Not specified in state policy.	
Wisconsin	Yes. A district must reject any application for transfer into or out of the district if the transfer would increase racial imbalance in the district.	Wis. Stat. Ann. § 118.51 Court Decision
Wyoming	Not specified in state policy.	

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Puerto Rico	Yes. The school choice program voucher will allow the Secretary to determine the areas where said Program shall be tested and the way it may be gradually expanded, establishing that it shall be done equitably among all educational regions. Upon such determinations, the Secretary may consider the following factors the student population in the areas and the number and the capacity of public and private schools in said areas.	§ 9814a Eligibility, 3 L.P.R.A. § 9814d
Total answers	Not specified in state policy: 30 Yes: 20 No: 1 Not permitted: 1	