Open Enrollment in New Hampshire

REACHING HIGHER NH

What is open enrollment?

In New Hampshire law, an “open enrollment public school” means any public school which, in addition to providing educational services to pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district.

First established in 1995, the State’s open enrollment law (RSA 194-D) was originally intended to operate in support of public charter schools. Within the traditional public school system, student transfers occurred across districts as a result of cross-district collaboration and coordination typically based upon individual student needs and circumstances.

In 2009, however, Open Enrollment and Charter School policy was bifurcated, allowing the two pathways to operate independent of one another. With this change came the first effort by state lawmakers to prescribe a tuition formula for Open Enrollment (not less than 80% of the sending districts cost-per-pupil) and the ability of local districts to limit the number of “resident pupils who may attend open enrollment schools located inside and outside the school district.”

Open Enrollment is a project of several national special interest groups, including supporters of the “school choice” movement.

Dormant and Forgotten: Most Communities Steer Clear

Between the enactment of the original Open Enrollment statute in 2009 and November 2025, only **two districts have adopted Open Enrollment**.

In 2015, **Franklin School District** adopted an Open Enrollment policy to allow students from Hill to finish their education in the district after the tuition agreement between the two communities fell apart.

In 2022, **Prospect Mountain High School** in Alton became the state’s first truly open enrollment school. The district made the move in an effort to reverse a trend of declining enrollment. In the first three years of the program, Prospect Mountain was able to recruit 30 students from neighboring communities.

Who Pays? Who Decides?

The laws governing New Hampshire’s Open Enrollment system have left many unanswered questions regarding the role and responsibilities of “sending districts” or the communities in which participating students live:

- ? Can sending districts set limits on the amount of tuition they pay to other schools?
- ? What is the role of the sending district in ensuring the quality of educaiton recieved?
- ? Who is responsible for Special Education services?

FACT SHEET

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NH Supreme Court and State Board of Education Weigh In.

In 2024 and 2025, a series of decisions first from the NH State Board of Education and then from the NH Supreme Court sought to clarify the responsibility of a sending district to pay tuition in an open enrollment system. In a decision released on October 15, 2025, the Supreme Court ruled:

"a sending school district is required to pay tuition under RSA 194-D:5, I, to an open enrollment receiving school in another district even if the sending district has not adopted an open enrollment program"

Communities Must Decide

Now that the door to open enrollment has been opened, communities will need to decide whether they are willing to accept students, how many they will accept, and whether they will send students. Based on current interpretations of the law, only districts that opt to receive students can limit the number of students they send. In the context of declining enrollment, districts may see open enrollment as a pathway to financial stability, but that pathway may come at the expense of community cohesion, enrollment and financial predictability, and at the expense of neighboring communities.

3 Questions to Consider

Does this benefit students?

There are many reasons why a family might choose to participate in an Open Enrollment system and there are just as many why they may not. Open Enrollment is often touted as a mechanism to provide students access to higher quality educational options tailored to their interests. It also can be a preferred option for families who commute to other communities for work. On the other hand, many students will not take advantage of open enrollment because they are well served in their local district, they value attending their local neighborhood school with their peers, or because of transportation challenges.

For those who remain at their local public school, open enrollment does not address long standing inequities in funding and opportunity nor does it aim to strengthen or improve students' experience. In fact, it's likely that under-resourced districts will be asked to do more with less. An equitable funding system would ensure that high quality, innovative learning opportunities were available to all NH students, not just those who choose open enrollment.

How will sending districts be impacted?

As a result of the Supreme Court's decision requiring districts to pay tuition on behalf of local residents who have chosen an Open Enrollment school, sending districts will undoubtably experience increased financial pressure, challenges with budgeting and enrollment projection, and weakened school/community partnership. Even a small shift in the number of students enrolling in an open enrollment program can cost districts thousands of dollars, forcing cuts to staffing, programs, operations, and, quite possibly, leading to school closure.

What does this mean for the future of NH's public schools?

Long a source of pride, the role of local control and taxpayer oversight of NH's public school system is changing. Open Enrollment restricts the authority of locally elected school boards to determine how their community's property taxes are spent. Local school boards are shut out of decisions in the "receiving" school that influence student outcomes. The broader "sending" community, including the families of participating students, are unable to engage in school board elections in receiving districts and have less say in the day-to-day operations of the school.

For more information on school vouchers in New Hampshire, please visit www.ReachingHigherNH.org/open-enrollment