



Reaching Higher NH
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To: Chair Noble and Members of the House Education Policy and Administration Committee

My name is Alex Tilsley, and I am writing on behalf of Reaching Higher NH, a nonprofit, nonpartisan education research and policy organization. Reaching Higher NH believes that public schools are an essential public good. We work to empower New Hampshire families, educators, community members, and decisionmakers with information and analysis to advance the state's public education system.

I am writing in support of **HB 1280**. Both the current enrollment statute, RSA 194-D, and the universal open enrollment policy proposed in SB 101 and HB 751, raise a number of unanswered questions for both families and districts:

- How is a school's capacity defined?
- How are students chosen?
- What happens when a family moves?
- How does open enrollment interact with existing tuition agreements among districts?
- How will we ensure schools aren't using open enrollment to recruit the best students, or the best athletes?

That districts have rushed to engage legal counsel in the wake of the Pittsfield open enrollment court ruling should be a sign that there is vagueness in the law that needs to be addressed.

Reaching Higher NH recently conducted an [analysis of open enrollment policies](#) in other states with statewide mandatory open enrollment, as proposed in SB 101 and HB 751. In that study, we identified a number of policy elements addressed by many, if not all, other states, that New Hampshire so far has failed to address, both in current statute and in proposed bills. These include:

- Creating a common timeline for open enrollment admissions to ensure predictability for districts and equal opportunity for families
- Detailing how tuition is to be handled when an open enrollment student moves to a new district or transfers schools mid-year
- Guaranteeing that open enrollment students maintain their seat in a school or district through graduation
- Defining an appeals process for families who feel their open enrollment application was rejected on unallowable grounds.

How New Hampshire chooses to address each of these elements is the work of the commission, but each is important to consider as the state moves toward a broader open enrollment policy.



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Of course, no other state's policy is going to be a perfect fit for New Hampshire, especially because of our uniquely low state funding contribution to public education. New Hampshire will need to consider how to make the best elements of other states' policies work without overburdening local property tax payers or draining smaller schools of needed resources. It is possible that, without changes to the state's funding formulas, universal open enrollment may not work at all. Investigating these issues before introducing a policy change will help set up schools and students for success.

Reaching Higher NH's research has shown that when done well, public school open enrollment can be an effective way to provide students with access to programs that meet their needs. But thoughtful open enrollment policy must consider not only the students who will transfer to out-of-district schools, but also those who choose to continue to attend their local public school. It must ensure fairness among districts and among families vying for spots elsewhere. It must be transparent, predictable, and offer stability to families and districts. Establishing a study commission as laid out in HB 1280 gives New Hampshire the chance to ensure its open enrollment policy meets those marks.

Sincerely,

Alex Tilsley
Director of Policy
Reaching Higher NH