

Open Enrollment: Ramifications to law passed last Fall

On Friday a citizen called me to see what this District was doing to address the new law that pertains to who pays for School Choice. After doing some research and talking with informed sources, I have found out the following.

Until recently, NH students and parents could choose to opt out of their public school and enroll in another school (public, private, charter, etc.) that would accept them and the parents were responsible for paying the tuition/costs to go to the other school.

This changed as a result of the NH Supreme Court's October 2025 decision in *Appeal of the Pittsfield School District*. That ruling said that a sending district is required to pay unless it adopts its own open enrollment program and limits the percentage of students who can attend open enrollment schools in other districts.

All NH School Districts are considered open enrollment districts. Therefore, unless a School District actively defines its open-enrollment status, two things could happen.

- If a child/parent opts out of our District and gets enrolled in another school, our District would be required to pay 80% of our per pupil costs to that receiving school. For example, if a student decided to go to Kearsarge, Claremont School District would be responsible for paying a minimum of 80% of \$26,013 (our per student cost) = \$20,810.40.
- Unless the School District sets enrollment levels for accepting incoming students from other Districts, our District must take those students even if the influx creates a need for additional staff, facilities, or resources.

Travel costs continue to be the responsibility of the parents. Special education issues are the same for open enrollment schools as they are for charter schools. That is to say, decision-making and funding responsibility stays with the sending district.

I had a long conversation with Mike Bessette, Assistant Supt at Kearsarge. He was very knowledgeable about explaining the ramifications of action/no action. Their District put forth a warrant article at Saturday's District meeting that limits the number of out-going students (0) and they set 30 students as the number of students they would accept.

It is VERY IMPORTANT to understand this action does not restrict any child/parent from leaving the District and going elsewhere. It simply limits the financial exposure for the District.

I contacted the NHSBA and Will Phillips sent me the attached sample warrant article.

Resources:

NHPR:

<https://www.nhpr.org/nh-news/2025-11-13/nh-court-ruling-open-enrollment-could-pit-public-schools-against-each-other>

Reaching Higher NH: Factsheet

<https://www.reachinghighernh.org/search/?search=open+enrollment+fact+sheet>