

Key Takeaways—Education and School Board Law Webinar Vol. 11 (Open Enrollment)

The following are key takeaways from CALN’s Education and School Board Law webinar on **December 12, 2025**. The session offered a primer on K-12 open enrollment, which allows families to choose among traditional public schools, including an overview of the relevant laws in North and South Carolina.

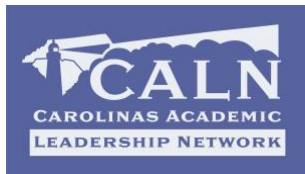
Please note: These summaries can provide you with helpful information, but they do not and are not intended to constitute legal advice or create an attorney-client relationship. Instead, they are for general informational purposes only. You are encouraged to contact your board attorney, or to hire a personal attorney, to obtain advice with respect to legal matters.

Open Enrollment Basics: Bryce Fiedler, Director

- **Open Enrollment:** The practice of letting families choose among traditional public schools, provided space is available
 - Enrollment is not restricted to child’s designated attendance zone/zip code
 - Expansive example: a child can attend any public school in their district or in another district
 - Limited example: a child can enroll in one of several schools in their district
 - **Intradistrict:** school transfers **within** a student’s school district
 - **Interdistrict:** school transfers **between** school districts
 - Eligibility is dependent on space and school capacity
 - Public opinion on K-12, open enrollment:
 - 55% of likely NC voters dissatisfied with quality of K-12 education in local schools
 - Still, 30% indicated they would choose traditional public school for their children over other forms of schooling, even if money wasn’t a factor
 - 72% expressed support for open enrollment
 - Source: *Carolina Journal*, Jan. 2025
 - **Key takeaway:** Open enrollment is a form of school choice, and choice fuels healthy competition and innovation in public education

Open Enrollment Policies in NC/SC: Jonathan Vogel, Education Law Attorney

- NC & SC school boards have authority to develop open enrollment policies, per state laws:
 - North Carolina: interdistrict (§ 115C-366(a)) and intradistrict (§ 115C-366(b)) are both discretionary
 - South Carolina: intradistrict is discretionary; interdistrict is becoming mandatory (Act No. 11 of 2025)
- Educational Freedom (EO 14191): Expanding Educational Freedom and Opportunity for Families



- President Trump directed the Secretary of Education to find authority in the law to encourage school choice
- Dept. of Ed. Responded by encouraging states to consider school choice, (one example being open enrollment), and reminded them that under the Elementary and Secondary Education Act, states can and should prioritize funding to LEAs that offer school choice.
- NC: HR981 as originally proposed would have required all local boards to establish intradistrict transfer policies. Bill was later amended to have DPI conduct a study on implementing intradistrict transfer policies. Currently residing the Senate and could be considered in 2026.
- SC: Act No. 11 (May 12, 2025): All districts must adopt an interdistrict enrollment policy within 120 days of SCDOE model guidelines
 - SCDOE has not yet published these guidelines
 - This policy does not require anything of the districts regarding intradistrict transfers

Helpful Considerations for School Board Members

- Review current policies and be familiar with differences between interdistrict and intradistrict transfers
- Draft/propose an open enrollment policy. If in South Carolina, ensure that the policy meets the minimum guidelines that will soon be set forth by SCDOE.
- Advocate that it's beneficial to provide choices for parents to have their child educated how they wish
- Hold the superintendent accountable for implementing open enrollment; ask for presentations to the board and assess him/her during performance evaluations

NC Open Enrollment Policy Examples

- Pitt County Schools: [Policy 4150](#)
- Union County Public Schools: [Policy 4-13](#)
- Winston Salem-Forsyth County Schools: [Policy 5117](#)
- Granville County Public Schools: Policies [4130](#) and [4150](#)

Other Resources

- NC education poll, *Carolina Journal*, Jan. 2025: <https://www.carolinajournal.com/wp-content/uploads/2025/01/22851-CJ-NC-Jan25-Toplines.pdf>
- Open enrollment poll summary, Kaitlyn Shepherd: <https://www.johnlocke.org/poll-shows-support-for-open-enrollment-in-nc-public-schools/>
- Open enrollment policy overview, Kaitlyn Shepherd: <https://www.johnlocke.org/want-to-pick-your-own-traditional-public-school-in-nc-move/>