

As Reported by the Senate Education Committee

135th General Assembly

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Sub. S. B. No. 208

Senator Roegner

Cosponsor: Senator Brenner

A BILL

To amend section 3313.98 of the Revised Code to
require a city, exempted village, or local
school district to include in its open
enrollment policy an exception for military
children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.98 of the Revised Code be
amended to read as follows:

Sec. 3313.98. Notwithstanding division (D) of section
3311.19 and division (D) of section 3311.52 of the Revised Code,
the provisions of this section and sections 3313.981 to 3313.983
of the Revised Code that apply to a city school district do not
apply to a joint vocational or cooperative education school
district unless expressly specified.

(A) As used in this section and sections 3313.981 to
3313.983 of the Revised Code:

(1) "Parent" means either of the natural or adoptive
parents of a student, except under the following conditions:

(a) When the marriage of the natural or adoptive parents 18
of the student has been terminated by a divorce, dissolution of 19
marriage, or annulment or the natural or adoptive parents of the 20
student are living separate and apart under a legal separation 21
decree and the court has issued an order allocating the parental 22
rights and responsibilities with respect to the student, 23
"parent" means the residential parent as designated by the court 24
except that "parent" means either parent when the court issues a 25
shared parenting decree. 26

(b) When a court has granted temporary or permanent 27
custody of the student to an individual or agency other than 28
either of the natural or adoptive parents of the student, 29
"parent" means the legal custodian of the child. 30

(c) When a court has appointed a guardian for the student, 31
"parent" means the guardian of the student. 32

(2) "Native student" means a student entitled under 33
section 3313.64 or 3313.65 of the Revised Code to attend school 34
in a district adopting a resolution under this section. 35

(3) "Adjacent district" means a city, exempted village, or 36
local school district having territory that abuts the territory 37
of a district adopting a resolution under this section. 38

(4) "Adjacent district student" means a student entitled 39
under section 3313.64 or 3313.65 of the Revised Code to attend 40
school in an adjacent district. 41

(5) "Adjacent district joint vocational student" means an 42
adjacent district student who enrolls in a city, exempted 43
village, or local school district pursuant to this section and 44
who also enrolls in a joint vocational school district that does 45
not contain the territory of the district for which that student 46

is a native student and does contain the territory of the city, 47
exempted village, or local district in which the student 48
enrolls. 49

(6) "Poverty line" means the poverty line established by 50
the director of the United States office of management and 51
budget as revised by the secretary of health and human services 52
in accordance with section 673(2) of the "Community Services 53
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 54

(7) "IEP" has the same meaning as in section 3323.01 of 55
the Revised Code. 56

(8) "Other district" means a city, exempted village, or 57
local school district having territory outside of the territory 58
of a district adopting a resolution under this section. 59

(9) "Other district student" means a student entitled 60
under section 3313.64 or 3313.65 of the Revised Code to attend 61
school in an other district. 62

(10) "Other district joint vocational student" means a 63
student who is enrolled in any city, exempted village, or local 64
school district and who also enrolls in a joint vocational 65
school district that does not contain the territory of the 66
district for which that student is a native student in 67
accordance with a policy adopted under section 3313.983 of the 68
Revised Code. 69

(11) "Active duty member" means a member of the armed 70
forces of the United States who is on full-time duty. 71

(12) "Armed forces" means the United States army, navy, 72
air force, space force, marine corps, and coast guard. 73

(B) (1) The Subject to division (I) of this section, the 74

board of education of each city, local, and exempted village 75
school district shall adopt a resolution establishing for the 76
school district one of the following policies: 77

(a) A policy that entirely prohibits the enrollment of 78
students from adjacent districts or other districts, other than 79
students for whom tuition is paid in accordance with section 80
3317.08 of the Revised Code; 81

(b) A policy that permits enrollment of students from all 82
adjacent districts in accordance with policy statements 83
contained in the resolution; 84

(c) A policy that permits enrollment of students from all 85
other districts in accordance with policy statements contained 86
in the resolution. 87

(2) A policy permitting enrollment of students from 88
adjacent or from other districts, as applicable, shall provide 89
for all of the following: 90

(a) Application procedures, including deadlines for 91
application and for notification of students and the 92
superintendent of the applicable district whenever an adjacent 93
or other district student's application is approved. 94

(b) Procedures for admitting adjacent or other district 95
applicants free of any tuition obligation to the district's 96
schools, including, but not limited to: 97

(i) The establishment of district capacity limits by grade 98
level, school building, and education program; 99

(ii) A requirement that all native students wishing to be 100
enrolled in the district will be enrolled and that any adjacent 101
or other district students previously enrolled in the district 102

shall receive preference over first-time applicants;	103
(iii) Procedures to ensure that an appropriate racial	104
balance is maintained in the district schools.	105
(C) Except as provided in section 3313.982 of the Revised	106
Code, the procedures for admitting adjacent or other district	107
students, as applicable, shall not include:	108
(1) Any requirement of academic ability, or any level of	109
athletic, artistic, or other extracurricular skills;	110
(2) Limitations on admitting applicants because of	111
disability, except that a board may refuse to admit a student	112
receiving services under Chapter 3323. of the Revised Code, if	113
the services described in the student's IEP are not available in	114
the district's schools;	115
(3) A requirement that the student be proficient in the	116
English language;	117
(4) Rejection of any applicant because the student has	118
been subject to disciplinary proceedings, except that if an	119
applicant has been suspended or expelled by the student's	120
district for ten consecutive days or more in the term for which	121
admission is sought or in the term immediately preceding the	122
term for which admission is sought, the procedures may include a	123
provision denying admission of such applicant.	124
(D) (1) Each school board permitting only enrollment of	125
adjacent district students shall provide information about the	126
policy adopted under this section, including the application	127
procedures and deadlines, to the superintendent and the board of	128
education of each adjacent district and, upon request, to the	129
parent of any adjacent district student.	130

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section

3313.981 of the Revised Code. 160

(G) The department of education and workforce shall 161
monitor school districts to ensure compliance with this section 162
and the districts' policies. The department may adopt rules 163
requiring uniform application procedures, deadlines for 164
application, notification procedures, and record-keeping 165
requirements for all school boards that adopt policies 166
permitting the enrollment of adjacent or other district 167
students, as applicable. If the department adopts such rules, no 168
school board shall adopt a policy that conflicts with those 169
rules. 170

(H) A resolution adopted by a board of education under 171
this section that entirely prohibits the enrollment of students 172
from adjacent and from other school districts does not abrogate 173
any agreement entered into under section 3313.841 or 3313.92 of 174
the Revised Code or any contract entered into under section 175
3313.90 of the Revised Code between the board of education 176
adopting the resolution and the board of education of any 177
adjacent or other district or prohibit these boards of education 178
from entering into any such agreement or contract. 179

(I) Notwithstanding anything to the contrary in this 180
section or section 3313.981 of the Revised Code, all of the 181
following apply: 182

(1) A policy adopted by a city, exempted village, or local 183
school district board of education under division (B) (1) (a) or 184
(b) of this section shall permit any student who is not a native 185
student of the district to enroll in the district if both of the 186
following apply: 187

(a) The student's parent is an active duty member of the 188

<u>armed forces stationed in the state.</u>	189
<u>(b) The student's parent provides to the district a copy</u>	190
<u>of the parent's official written order verifying the parent's</u>	191
<u>status as an active duty member of the armed forces.</u>	192
<u>(2) In enrolling a student pursuant to division (I) of</u>	193
<u>this section, a district shall comply with procedures prescribed</u>	194
<u>under divisions (B) (2) and (C) of this section. In addition, the</u>	195
<u>district shall not require tuition to be paid for the student's</u>	196
<u>enrollment in the district.</u>	197
<u>(3) A student who, pursuant to this division, enrolls in a</u>	198
<u>district that has adopted a policy under division (B) (1) (a) of</u>	199
<u>this section and who is not a native student of that district</u>	200
<u>shall, for the purposes of sections 3313.981, 3315.18, 3317.03,</u>	201
<u>and 3318.011 of the Revised Code, be considered as an "other</u>	202
<u>district student" who enrolls in a district that has adopted a</u>	203
<u>policy under division (B) (1) (c) of this section. Such student</u>	204
<u>also shall receive transportation services under section</u>	205
<u>3313.981 of the Revised Code in the same manner as an "other</u>	206
<u>district student."</u>	207
<u>(4) A student who, pursuant to this division, enrolls in a</u>	208
<u>district that has adopted a policy under division (B) (1) (b) of</u>	209
<u>this section and who is not a native student of the district or</u>	210
<u>an adjacent district shall, nevertheless, be considered an</u>	211
<u>"adjacent district student" for the purposes of sections</u>	212
<u>3313.981, 3315.18, and 3317.03 of the Revised Code.</u>	213
<u>(J) Nothing in this section shall be construed to permit</u>	214
<u>or require the board of education of a city, exempted village,</u>	215
<u>or local school district to exclude any native student of the</u>	216
<u>district from enrolling in the district.</u>	217

Section 2. That existing section 3313.98 of the Revised Code is hereby repealed. 218
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