

**As Introduced**

**136th General Assembly**

**Regular Session**

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**H. B. No. 294**

**Representatives Mathews, T., Ritter**

**Cosponsors: Representatives Williams, Newman, Hiner, Rogers**

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**A BILL**

To amend section 3313.97 of the Revised Code 1  
regarding school district intradistrict open 2  
enrollment policies. 3

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

**Section 1.** That section 3313.97 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 3313.97.** Notwithstanding division (D) of section 6  
3311.19 and division (D) of section 3311.52 of the Revised Code, 7  
this section does not apply to any joint vocational or 8  
cooperative education school district. 9

(A) As used in this section: 10

(1) "Parent" has the same meaning as in section 3313.64 of 11  
the Revised Code. 12

(2) "Alternative school" means a school building other 13  
than the one to which a student is assigned by the district 14  
superintendent. 15

(3) "IEP" has the same meaning as in section 3323.01 of 16  
the Revised Code. 17

(B) The board of education of each city, local, and  
exempted village school district shall adopt an open enrollment  
policy allowing students entitled to attend school in the  
district pursuant to section 3313.64 or 3313.65 of the Revised  
Code to enroll in an alternative school. Each policy shall  
provide for the following:

(1) Application procedures, including ~~deadlines~~ timelines  
for application and for notification of students and principals  
of alternative schools whenever a student's application is  
accepted. The policy shall require a student to apply only if  
the student wishes to attend an alternative school.

(2) The establishment of district capacity limits by grade  
level, and school building, and education program. Each school  
district shall determine the number of remaining vacancies in  
each grade level and school building and post the numbers on its  
web site every twelve weeks.

(3) A requirement that the school district continue to  
approve applications to enroll in each alternative school that  
has not reached its capacity limit;

(4) A requirement that students enrolled in a school  
building or living in any attendance area of the school building  
established by the superintendent or board be given preference  
over applicants;

~~(4)~~ (5) Procedures to ensure that an appropriate racial  
balance is maintained in the district schools.

Each policy may permit a student to permanently transfer  
to an alternative school so that the student need not reapply  
annually for permission to attend the alternative school.

(C) Except as provided in section 3313.982 of the Revised

Code, the procedures for admitting applicants to alternative 47  
schools shall not include: 48

(1) Any requirement of academic ability, or any level of 49  
athletic, artistic, or other extracurricular skills; 50

(2) Limitations on admitting applicants because of 51  
disabling conditions, except that a board may require a student 52  
receiving services under Chapter 3323. of the Revised Code to 53  
attend school where the services described in the student's IEP 54  
are available; 55

(3) A requirement that the student be proficient in the 56  
English language; 57

(4) Rejection of any applicant because the student has 58  
been subject to disciplinary proceedings, except that if an 59  
applicant has been suspended or expelled for ten consecutive 60  
days or more in the term for which admission is sought or in the 61  
term immediately preceding the term for which admission is 62  
sought, the procedures may include a provision denying admission 63  
of such applicant to an alternative school; 64

(5) Rejection of any applicant based on the student's 65  
residential address, race, gender, religion, or socioeconomic 66  
status. 67

(D) (1) Notwithstanding Chapter 3327. of the Revised Code, 68  
and except as provided in division (D) (2) of this section, a 69  
district board is not required to provide transportation to a 70  
nondisabled student enrolled in an alternative school unless 71  
such student can be picked up and dropped off at a regular 72  
school bus stop designated in accordance with the board's 73  
transportation policy or unless the board is required to provide 74  
additional transportation to the student in accordance with a 75

court-approved desegregation plan. 76

(2) A district board shall provide transportation to any 77  
student described in 20 U.S.C. 6316(b) (1) (F) to the extent 78  
required by division (D) of section 3302.04 of the Revised Code, 79  
except that no district board shall be required to provide 80  
transportation to any such student after the school in which the 81  
student was enrolled immediately prior to enrolling in the 82  
alternative school makes adequate yearly progress, as defined in 83  
section 3302.01 of the Revised Code, for two consecutive school 84  
years. 85

(E) Each school board shall provide information about the 86  
policy adopted under this section and the application procedures 87  
and deadlines to the parent of each student in the district and 88  
to the general public. Each school board also shall publish the 89  
policy on its public web site. 90

(F) No school board shall impose tuition or fees for a 91  
student who enrolls in an alternative school under this section 92  
that exceeds the tuition or fees charged to students assigned to 93  
the school building by the district superintendent. 94

(G) A student's parent or guardian may appeal a school 95  
district's decision to deny the student's application to open 96  
enroll in an alternative school to the department of education 97  
and workforce. The department shall respond to an appeal within 98  
ninety days of receiving it. 99

(H) ~~The department of education and workforce shall~~ 100  
monitor school districts to ensure compliance with this section 101  
and the districts' policies. 102

(I) Each school district annually shall report to the 103  
department all of the following: 104

<u>(1) The total number of open enrollment applications</u>	105
<u>received under division (B) of this section;</u>	106
<u>(2) The total number of accepted applications;</u>	107
<u>(3) The total number of denied applications;</u>	108
<u>(4) The reason for each denied application.</u>	109
<u>The department annually shall publish the information</u>	110
<u>reported under this division on its web site.</u>	111
<b>Section 2.</b> That existing section 3313.97 of the Revised	112
Code is hereby repealed.	113