

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 208

Senator Roegner

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

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 balance is maintained in the district schools.	104 105
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	106 107 108
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	109 110
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	111 112 113 114 115
(3) A requirement that the student be proficient in the English language;	116 117
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	118 119 120 121 122 123 124
(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.	125 126 127 128 129 130
(2) Each school board permitting enrollment of other district students shall provide information about the policy	131 132

adopted under this section, including the application procedures 133
and deadlines, upon request, to the board of education of any 134
other school district or to the parent of any student anywhere 135
in the state. 136

(E) Any school board shall accept all credits toward 137
graduation earned in adjacent or other district schools by an 138
adjacent or other district student or a native student. 139

(F) (1) No board of education may adopt a policy 140
discouraging or prohibiting its native students from applying to 141
enroll in the schools of an adjacent or any other district that 142
has adopted a policy permitting such enrollment, except that: 143

(a) A district may object to the enrollment of a native 144
student in an adjacent or other district in order to maintain an 145
appropriate racial balance. 146

(b) The board of education of a district receiving funds 147
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 148
may adopt a resolution objecting to the enrollment of its native 149
students in adjacent or other districts if at least ten per cent 150
of its students are included in the determination of the United 151
States secretary of education made under section 20 U.S.C.A. 152
238(a). 153

(2) If a board objects to enrollment of native students 154
under this division, any adjacent or other district shall refuse 155
to enroll such native students unless tuition is paid for the 156
students in accordance with section 3317.08 of the Revised Code. 157
An adjacent or other district enrolling such students may not 158
receive funding for those students in accordance with section 159
3313.981 of the Revised Code. 160

(G) The state board of education shall monitor school 161

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

(H) A resolution adopted by a board of education under 170
this section that entirely prohibits the enrollment of students 171
from adjacent and from other school districts does not abrogate 172
any agreement entered into under section 3313.841 or 3313.92 of 173
the Revised Code or any contract entered into under section 174
3313.90 of the Revised Code between the board of education 175
adopting the resolution and the board of education of any 176
adjacent or other district or prohibit these boards of education 177
from entering into any such agreement or contract. 178

(I) Notwithstanding anything to the contrary in this 179
section or section 3313.981 of the Revised Code, all of the 180
following apply: 181

(1) A policy adopted by a city, exempted village, or local 182
school district board of education under division (B) (1) (a) or 183
(b) of this section shall permit any student who is not a native 184
student of the district to enroll in the district if both of the 185
following apply: 186

(a) The student's parent is an active duty member of the 187
armed forces stationed in the state. 188

(b) The student's parent provides to the district a copy 189
of the parent's official written order verifying the parent's 190

status as an active duty member of the armed forces. 191

(2) In enrolling a student pursuant to division (I) of 192
this section, a district shall comply with procedures prescribed 193
under divisions (B)(2) and (C) of this section. In addition, the 194
district shall not require tuition to be paid for the student's 195
enrollment in the district. 196

(3) A student who, pursuant to this division, enrolls in a 197
district that has adopted a policy under division (B)(1)(a) of 198
this section and who is not a native student of that district 199
shall, for the purposes of sections 3313.981, 3315.18, 3317.03, 200
and 3318.011 of the Revised Code, be considered as an "other 201
district student" who enrolls in a district that has adopted a 202
policy under division (B)(1)(c) of this section. Such student 203
also shall receive transportation services under section 204
3313.981 of the Revised Code in the same manner as an "other 205
district student." 206

(4) A student who, pursuant to this division, enrolls in a 207
district that has adopted a policy under division (B)(1)(b) of 208
this section and who is not a native student of the district or 209
an adjacent district shall, nevertheless, be considered an 210
"adjacent district student" for the purposes of sections 211
3313.981, 3315.18, and 3317.03 of the Revised Code. 212

(J) Nothing in this section shall be construed to permit 213
or require the board of education of a city, exempted village, 214
or local school district to exclude any native student of the 215
district from enrolling in the district. 216

Section 2. That existing section 3313.98 of the Revised 217
Code is hereby repealed. 218