



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 126**

131st General Assembly  
(As Introduced)

**Sens.** Sawyer, Yuko, Cafaro, Schiavoni, Williams

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## **BILL SUMMARY**

- Requires the Department of Education, by July 1, 2017, to conduct a study of the implementation and effectiveness of interdistrict open enrollment.
- Repeals interdistrict open enrollment on December 31, 2017, and expresses the intent of the General Assembly to determine whether to retain this repeal after examining the Department's study.

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## **CONTENT AND OPERATION**

### **Interdistrict open enrollment study**

The bill requires the Department of Education, by July 1, 2017, to conduct a study of the implementation and effectiveness of interdistrict open enrollment policies adopted by school districts. Open enrollment is an arrangement whereby a school district may enroll students who live in other Ohio school districts and receive state payments for them (see "**Background – interdistrict open enrollment**" below). The Department's study must focus on the effects of open enrollment in providing educational benefit to students and the fiscal impact on school districts, and assess especially the impact of open enrollment on low-wealth districts.

In conducting the study, the Department must (1) investigate the ramifications of requiring each school district to maintain an open enrollment policy, (2) compare the fiscal and administrative effects of counting open enrollment students where they are educated versus where they live, (3) consider alternative funding models for open enrollment, and (4) if open enrollment students continue to be counted where they live, examine whether an amount representing only a school district's state share of funding

(rather than a uniform statewide per pupil amount, as currently required) should be transferred to the enrolling district.<sup>1</sup>

A provision enacted in H.B. 59 of the 130th General Assembly, the budget act for the 2013-2015 biennium, required the Superintendent of Public Instruction, in consultation with the Governor's Office of 21st Century Education, to convene a task force to study open enrollment and to report recommendations to the Governor, Senate President, and Speaker of the House by December 31, 2013. The task force issued the required report which is available on the Department of Education website.<sup>2</sup> The bill does not affect this provision.

### **Delayed repeal of interdistrict open enrollment**

The bill repeals interdistrict open enrollment effective December 31, 2017.<sup>3</sup> However, it also expresses the General Assembly's intent to determine whether to retain this repeal following its examination of the Department's study.<sup>4</sup> The bill does not affect current law requiring each city, exempted village, and local school district to have an *intradistrict* open enrollment policy that allows students to enroll in a school building within the same district other than the one to which they are assigned.<sup>5</sup>

### **Background – interdistrict open enrollment**

Current law requires each school district to adopt a policy regarding the tuition-free enrollment of students who reside in other school districts, known as interdistrict open enrollment.

#### **City, exempted village, and local school districts**

The policy of a city, exempted village, or local school district must do one of the following: (1) prohibit outright the enrollment of students from another school district, except students for whom tuition is paid by another district or by the student's parent,

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<sup>1</sup> R.C. 3313.984.

<sup>2</sup> Section 263.450 of H.B. 59 of the 130th General Assembly. To access the report, click on the following link: <http://education.ohio.gov/Topics/Quality-School-Choice/Open-Enrollment/Open-Enrollment-Task-Force>.

<sup>3</sup> Sections 2, 3, and 4 of the bill.

<sup>4</sup> Section 4(C) of the bill.

<sup>5</sup> R.C. 3313.97, not in the bill.



(2) permit enrollment of students only from adjacent districts, or (3) permit enrollment of students from all other Ohio districts.<sup>6</sup>

### **Joint vocational school districts**

Each joint vocational school district must have a policy that either (1) permits the enrollment of a student who is an interdistrict open enrollee from an adjacent district in a city, exempted village, or local school district, the latter of which is served by the vocational district, or (2) permits the enrollment of students from all city, exempted village, or local school districts.<sup>7</sup>

### **Other policy stipulations**

Each school district that permits open enrollment must prescribe capacity limits by grade level, school building, and educational program. A district's resident students wishing to enroll in the district must be enrolled ahead of any open enrollment student. In the case of a joint vocational school district, students entitled to attend school in a city, exempted village, or local school district served by the vocational district must be enrolled before open enrollment students. In addition, students from another district previously enrolled under the open enrollment policy must be given priority over new applicants.<sup>8</sup>

Districts generally may not prescribe particular academic or extracurricular skills or English proficiency for open enrollment students. Also, a district may deny open enrollment to a student with a disability only if the services specified in that student's individualized education program (IEP) are not available in the district's schools. Finally, a district may not reject an open enrollment applicant because the applicant has been the subject of disciplinary proceedings, unless the applicant has been suspended or expelled by the student's resident district for ten or more consecutive days during the current or immediately preceding academic term.<sup>9</sup>

A district may not discourage or prohibit its resident students from seeking to enroll in another district through open enrollment. But a district may object to the enrollment of any of its resident students if that enrollment will negatively affect its

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<sup>6</sup> R.C. 3313.98(B)(1), not in the bill.

<sup>7</sup> R.C. 3313.983(A), not in the bill.

<sup>8</sup> R.C. 3313.98(B)(2)(b) and 3313.983(A)(2), neither section in the bill.

<sup>9</sup> R.C. 3313.98(C) and 3313.983(B), neither section in the bill.

racial balance, in which case no other district may enroll the student unless tuition is paid for the student.<sup>10</sup>

### **Funding of open enrollment students**

A school district may receive a per pupil payment from the state for each open enrollment student. The amount of that payment is deducted from the state aid account of the city, exempted village, or local school district in which the student is entitled to attend school. For fiscal years 2016 and 2017, the amount deducted and paid for each open enrollment student is the sum of:

(1) The per pupil "formula amount" (\$5,900, for fiscal year 2016, and \$6,000, for fiscal year 2017);

(2) For a student enrolled in a career-technical education class, on a full-time equivalent basis, the dollar amount prescribed for the student's career-technical education category. (Under the school funding law, there are five career-technical education categories with prescribed additional dollar amounts.<sup>11</sup>)

(3) For a student with a disability, the cost to the district educating the student that exceeds the amounts paid under (1) and (2).

The student's resident city, exempted village, or local school district must include the student in its enrollment count so that it is credited with state funding for the student before the deductions are made from its account.

Additionally, a provision enacted in H.B. 64 of the 131st General Assembly (the budget act for the 2015-2017 biennium) specifically permits a district to enroll preschool children with disabilities under its open enrollment policy. For such a student, the Department must pay \$4,000 to the district enrolling the student. As with other open enrollment payments, this amount is deducted from the state aid account of the student's resident district.<sup>12</sup>

### **Transportation**

Upon request of a parent, a school district enrolling a student from another district must provide transportation for that student within the boundaries of the enrolling district, as long as that district offers transportation to students of the same

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<sup>10</sup> R.C. 3313.98(F), not in the bill.

<sup>11</sup> R.C. 3317.014, not in the bill.

<sup>12</sup> R.C. 3313.981, not in the bill.



grade level and distance from school who actually live in the district. That district is not required to pick up or drop off a nondisabled open enrollment student anywhere but at a regular school bus stop. The district may reimburse the parent of an open enrollment student for the reasonable cost of transporting the student to the designated bus stop, if the student's family has an income below the federal poverty line.<sup>13</sup>

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## HISTORY

ACTION	DATE
Introduced	03-10-15

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<sup>13</sup> R.C. 3313.981(H), not in the bill.

