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A B I L L

To amend sections 2152.18, 3313.533, 3313.672, and 1
5139.05 of the Revised Code to require the 2
Department of Youth Services upon request to 3
release certain records pertaining to a child 4
discharged or released from its custody to the 5
school district in which the child is entitled to 6
attend school and to specify that a school 7
district's policy on the assignment of students to 8
an alternative school may provide for the 9
assignment of any child released from the custody 10
of the Department of Youth Services to such a 11
school. 12

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

Section 1. That sections 2152.18, 3313.533, 3313.672, and 13
5139.05 of the Revised Code be amended to read as follows: 14

Sec. 2152.18. (A) When a juvenile court commits a delinquent 15
child to the custody of the department of youth services pursuant 16

to this chapter, the court shall not designate the specific 17
institution in which the department is to place the child but 18
instead shall specify that the child is to be institutionalized in 19
a secure facility. 20

(B) When a juvenile court commits a delinquent child to the 21
custody of the department of youth services pursuant to this 22
chapter, the court shall state in the order of commitment the 23
total number of days that the child has been held in detention in 24
connection with the delinquent child complaint upon which the 25
order of commitment is based. The department shall reduce the 26
minimum period of institutionalization that was ordered by both 27
the total number of days that the child has been so held in 28
detention as stated by the court in the order of commitment and 29
the total number of any additional days that the child has been 30
held in detention subsequent to the order of commitment but prior 31
to the transfer of physical custody of the child to the 32
department. 33

(C)(1) When a juvenile court commits a delinquent child to 34
the custody of the department of youth services pursuant to this 35
chapter, the court shall provide the department with the child's 36
medical records, a copy of the report of any mental examination of 37
the child ordered by the court, the Revised Code section or 38
sections the child violated and the degree of each violation, the 39
warrant to convey the child to the department, a copy of the 40
court's journal entry ordering the commitment of the child to the 41
legal custody of the department, a copy of the arrest record 42
pertaining to the act for which the child was adjudicated a 43
delinquent child, a copy of any victim impact statement pertaining 44
to the act, and any other information concerning the child that 45
the department reasonably requests. The court also shall complete 46
the form for the standard predisposition investigation report that 47
the department furnishes pursuant to section 5139.04 of the 48

Revised Code and provide the department with the completed form. 49

The department may refuse to accept physical custody of a 50
delinquent child who is committed to the legal custody of the 51
department until the court provides to the department the 52
documents specified in this division. No officer or employee of 53
the department who refuses to accept physical custody of a 54
delinquent child who is committed to the legal custody of the 55
department shall be subject to prosecution or contempt of court 56
for the refusal if the court fails to provide the documents 57
specified in this division at the time the court transfers the 58
physical custody of the child to the department. 59

(2) Within twenty working days after the department of youth 60
services receives physical custody of a delinquent child from a 61
juvenile court, the court shall provide the department with a 62
certified copy of the child's birth certificate and the child's 63
social security number or, if the court made all reasonable 64
efforts to obtain the information but was unsuccessful, with 65
documentation of the efforts it made to obtain the information. 66

(3) If an officer is preparing pursuant to section 2947.06 or 67
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 68
investigation report pertaining to a person, the department shall 69
make available to the officer, for use in preparing the report, 70
any records or reports it possesses regarding that person that it 71
received from a juvenile court pursuant to division (C)(1) of this 72
section or that pertain to the treatment of that person after the 73
person was committed to the custody of the department as a 74
delinquent child. 75

(D)(1) Within ten days after an adjudication that a child is 76
a delinquent child, the court shall give written notice of the 77
adjudication to the superintendent of a city, local, exempted 78
village, or joint vocational school district, and to the principal 79
of the school the child attends, if the basis of the adjudication 80

was the commission of an act that would be a criminal offense if 81
committed by an adult, if the act was committed by the delinquent 82
child when the child was fourteen years of age or older, and if 83
the act is any of the following: 84

(a) An act that would be a felony or an offense of violence 85
if committed by an adult, an act in the commission of which the 86
child used or brandished a firearm, or an act that is a violation 87
of section 2907.06, 2907.07, 2907.08, 2907.09, 2907.24, or 88
2907.241 of the Revised Code and that would be a misdemeanor if 89
committed by an adult; 90

(b) A violation of section 2923.12 of the Revised Code or of 91
a substantially similar municipal ordinance that would be a 92
misdemeanor if committed by an adult and that was committed on 93
property owned or controlled by, or at an activity held under the 94
auspices of, the board of education of that school district; 95

(c) A violation of division (A) of section 2925.03 or 2925.11 96
of the Revised Code that would be a misdemeanor if committed by an 97
adult, that was committed on property owned or controlled by, or 98
at an activity held under the auspices of, the board of education 99
of that school district, and that is not a minor drug possession 100
offense; 101

(d) An act that would be a criminal offense if committed by 102
an adult and that results in serious physical harm to persons or 103
serious physical harm to property while the child is at school, on 104
any other property owned or controlled by the board, or at an 105
interscholastic competition, an extracurricular event, or any 106
other school program or activity; 107

(e) Complicity in any violation described in division 108
(D)(1)(a), (b), (c), or (d) of this section that was alleged to 109
have been committed in the manner described in division (D)(1)(a), 110
(b), (c), or (d) of this section, regardless of whether the act of 111

complicity was committed on property owned or controlled by, or at 112
an activity held under the auspices of, the board of education of 113
that school district. 114

(2) The notice given pursuant to division (D)(1) of this 115
section shall include the name of the child who was adjudicated to 116
be a delinquent child, the child's age at the time the child 117
committed the act that was the basis of the adjudication, and 118
identification of the violation of the law or ordinance that was 119
the basis of the adjudication. 120

(3) Within fourteen days after committing a delinquent child 121
to the custody of the department of youth services, the court 122
shall give notice to the school attended by the child of the 123
child's commitment by sending to that school a copy of the court's 124
journal entry ordering the commitment. As soon as possible after 125
receipt of the notice described in this division, the school shall 126
provide the department with the child's school transcript. 127
However, the department shall not refuse to accept a child 128
committed to it, and a child committed to it shall not be held in 129
a county or district detention facility, because of a school's 130
failure to provide the school transcript that it is required to 131
provide under this division. 132

(4) Within fourteen days after a request from the 133
superintendent of a school district pursuant to division (A)(2) of 134
section 3313.672 of the Revised Code regarding a child released or 135
discharged from an institution under the control of the department 136
of youth services, the department shall provide the following 137
records to the school psychologist named in the request: 138

(a) The child's current individualized education program, as 139
defined in section 3323.01 of the Revised Code, if such a program 140
has been developed for the child; 141

(b) A unified case plan and clinical services summary 142

developed for the child by the staff of the institution where the 143
child resided while in the custody of the department. The unified 144
case plan shall contain information relating to the child's 145
behavior and progress while in the custody of the department. 146

The school psychologist to whom the records are released 147
under division (D)(4) of this section shall review those records 148
and make a recommendation to the superintendent of the school 149
district as to the appropriate assignment of the child to a school 150
in the district. The superintendent shall consider that 151
recommendation in exercising the superintendent's authority under 152
section 3319.01 of the Revised Code to assign the child to a 153
school of the district, which may include an alternative school 154
established under section 3313.533 of the Revised Code. The 155
district shall release those records only as provided in sections 156
2317.02, 3319.321, 4732.19, and 5139.05 of the Revised Code and 157
the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 158
amended. 159

(5) Within fourteen days after ~~discharging or~~ releasing a 160
child from an institution under its control, the department of 161
youth services shall provide the court ~~and the school~~ with an 162
updated copy of the child's school transcript and a summary of the 163
institutional record of the child. The department also shall 164
provide the court with a copy of any portion of the child's 165
institutional record that the court specifically requests, within 166
five working days of the request. 167

(E) At any hearing at which a child is adjudicated a 168
delinquent child or as soon as possible after the hearing, the 169
court shall notify all victims of the delinquent act who may be 170
entitled to a recovery under any of the following sections of the 171
right of the victims to recover, pursuant to section 3109.09 of 172
the Revised Code, compensatory damages from the child's parents; 173
of the right of the victims to recover, pursuant to section 174

3109.10 of the Revised Code, compensatory damages from the child's 175
parents for willful and malicious assaults committed by the child; 176
and of the right of the victims to recover an award of reparations 177
pursuant to sections 2743.51 to 2743.72 of the Revised Code. 178

Sec. 3313.533. (A) The board of education of a city, exempted 179
village, or local school district may adopt a resolution to 180
establish and maintain an alternative school in accordance with 181
this section. The resolution shall specify, but not necessarily be 182
limited to, all of the following: 183

(1) The purpose of the school, which purpose shall be to 184
serve students who are on suspension, who are having truancy 185
problems, who are experiencing academic failure, who have a 186
history of class disruption, ~~or~~ who are exhibiting other academic 187
or behavioral problems specified in the resolution, or who have 188
been discharged or released from the custody of the department of 189
youth services under section 5139.51 of the Revised Code; 190

(2) The grades served by the school, which may include any of 191
grades kindergarten through twelve; 192

(3) A requirement that the school be operated in accordance 193
with this section. The board of education adopting the resolution 194
under division (A) of this section shall be the governing board of 195
the alternative school. The board shall develop and implement a 196
plan for the school in accordance with the resolution establishing 197
the school and in accordance with this section. Each plan shall 198
include, but not necessarily be limited to, all of the following: 199

(a) Specification of the reasons for which students will be 200
accepted for assignment to the school and any criteria for 201
admission that are to be used by the board to approve or 202
disapprove the assignment of students to the school; 203

(b) Specification of the criteria and procedures that will be 204

used for returning students who have been assigned to the school 205
back to the regular education program of the district; 206

(c) An evaluation plan for assessing the effectiveness of the 207
school and its educational program and reporting the results of 208
the evaluation to the public. 209

(B) Notwithstanding any provision of Title XXXIII of the 210
Revised Code to the contrary, the alternative school plan may 211
include any of the following: 212

(1) A requirement that on each school day students must 213
attend school or participate in other programs specified in the 214
plan or by the chief administrative officer of the school for a 215
period equal to the minimum school day set by the state board of 216
education under section 3313.48 of the Revised Code plus any 217
additional time required in the plan or by the chief 218
administrative officer; 219

(2) Restrictions on student participation in extracurricular 220
or interscholastic activities; 221

(3) A requirement that students wear uniforms prescribed by 222
the district board of education. 223

(C) In accordance with the alternative school plan, the 224
district board of education may employ teachers and nonteaching 225
employees necessary to carry out its duties and fulfill its 226
responsibilities or may contract with a nonprofit or for profit 227
entity to operate the alternative school, including the provision 228
of personnel, supplies, equipment, or facilities. 229

(D) An alternative school may be established in all or part 230
of a school building. 231

(E) If a district board of education elects under this 232
section, or is required by section 3313.534 of the Revised Code, 233
to establish an alternative school, the district board may join 234

with the board of education of one or more other districts to form 235
a joint alternative school by forming a cooperative education 236
school district under section 3311.52 or 3311.521 of the Revised 237
Code, or a joint educational program under section 3313.842 of the 238
Revised Code. The authority to employ personnel or to contract 239
with a nonprofit or for profit entity under division (C) of this 240
section applies to any alternative school program established 241
under this division. 242

(F) Any individual employed as a teacher at an alternative 243
school operated by a nonprofit or for profit entity under this 244
section shall be licensed and shall be subject to background 245
checks, as described in section 3319.39 of the Revised Code, in 246
the same manner as an individual employed by a school district. 247

(G) Division (G) of this section applies only to any 248
alternative school that is operated by a nonprofit or for profit 249
entity under contract with the school district. 250

(1) In addition to the specifications authorized under 251
division (B) of this section, any plan adopted under that division 252
for an alternative school to which division (G) of this section 253
also applies shall include the following: 254

(a) A description of the educational program provided at the 255
alternative school, which shall include: 256

(i) Provisions for the school to be configured in clusters or 257
small learning communities; 258

(ii) Provisions for the incorporation of education technology 259
into the curriculum; 260

(iii) Provisions for accelerated learning programs in reading 261
and mathematics. 262

(b) A method to determine the reading and mathematics level 263
of each student assigned to the alternative school and a method to 264

continuously monitor each student's progress in those areas. The 265
methods employed under this division shall be aligned with the 266
curriculum adopted by the school district board of education under 267
section 3313.60 of the Revised Code. 268

(c) A plan for social services to be provided at the 269
alternative school, such as, but not limited to, counseling 270
services, psychological support services, and enrichment programs; 271

(d) A plan for a student's transition from the alternative 272
school back to a school operated by the school district; 273

(e) A requirement that the alternative school maintain 274
financial records in a manner that is compatible with the form 275
prescribed for school districts by the auditor of state to enable 276
the district to comply with any rules adopted by the auditor of 277
state. 278

(2) Notwithstanding division (A)(2) of this section, any 279
alternative school to which division (G) of this section applies 280
shall include only grades six through twelve. 281

(3) Notwithstanding anything in division (A)(3)(a) of this 282
section to the contrary, the characteristics of students who may 283
be assigned to an alternative school to which division (G) of this 284
section applies shall include only disruptive and low-performing 285
students. 286

(H) When any district board of education determines to 287
contract with a nonprofit or for profit entity to operate an 288
alternative school under this section, the board shall use the 289
procedure set forth in this division. 290

(1) The board shall publish notice of a request for proposals 291
in a newspaper of general circulation in the district once each 292
week for a period of at least two consecutive weeks prior to the 293
date specified by the board for receiving proposals. Notices of 294
requests for proposals shall contain a general description of the 295

subject of the proposed contract and the location where the 296
request for proposals may be obtained. The request for proposals 297
shall include all of the following information: 298

(a) Instructions and information to respondents concerning 299
the submission of proposals, including the name and address of the 300
office where proposals are to be submitted; 301

(b) Instructions regarding communications, including at least 302
the names, titles, and telephone numbers of persons to whom 303
questions concerning a proposal may be directed; 304

(c) A description of the performance criteria that will be 305
used to evaluate whether a respondent to which a contract is 306
awarded is meeting the district's educational standards or the 307
method by which such performance criteria will be determined; 308

(d) Factors and criteria to be considered in evaluating 309
proposals, the relative importance of each factor or criterion, 310
and a description of the evaluation procedures to be followed; 311

(e) Any terms or conditions of the proposed contract, 312
including any requirement for a bond and the amount of such bond; 313

(f) Documents that may be incorporated by reference into the 314
request for proposals, provided that the request for proposals 315
specifies where such documents may be obtained and that such 316
documents are readily available to all interested parties. 317

(2) After the date specified for receiving proposals, the 318
board shall evaluate the submitted proposals and may hold 319
discussions with any respondent to ensure a complete understanding 320
of the proposal and the qualifications of such respondent to 321
execute the proposed contract. Such qualifications shall include, 322
but are not limited to, all of the following: 323

(a) Demonstrated competence in performance of the required 324
services as indicated by effective implementation of educational 325

programs in reading and mathematics and at least three years of 326
experience successfully serving a student population similar to 327
the student population assigned to the alternative school; 328

(b) Demonstrated performance in the areas of cost 329
containment, the provision of educational services of a high 330
quality, and any other areas determined by the board; 331

(c) Whether the respondent has the resources to undertake the 332
operation of the alternative school and to provide qualified 333
personnel to staff the school; 334

(d) Financial responsibility. 335

(3) The board shall select for further review at least three 336
proposals from respondents the board considers qualified to 337
operate the alternative school in the best interests of the 338
students and the district. If fewer than three proposals are 339
submitted, the board shall select each proposal submitted. The 340
board may cancel a request for proposals or reject all proposals 341
at any time prior to the execution of a contract. 342

The board may hold discussions with any of the three selected 343
respondents to clarify or revise the provisions of a proposal or 344
the proposed contract to ensure complete understanding between the 345
board and the respondent of the terms under which a contract will 346
be entered. Respondents shall be accorded fair and equal treatment 347
with respect to any opportunity for discussion regarding 348
clarifications or revisions. The board may terminate or 349
discontinue any further discussion with a respondent upon written 350
notice. 351

(4) Upon further review of the three proposals selected by 352
the board, the board shall award a contract to the respondent the 353
board considers to have the most merit, taking into consideration 354
the scope, complexity, and nature of the services to be performed 355
by the respondent under the contract. 356

(5) Except as provided in division (H)(6) of this section, 357
the request for proposals, submitted proposals, and related 358
documents shall become public records under section 149.43 of the 359
Revised Code after the award of the contract. 360

(6) Any respondent may request in writing that the board not 361
disclose confidential or proprietary information or trade secrets 362
contained in the proposal submitted by the respondent to the 363
board. Any such request shall be accompanied by an offer of 364
indemnification from the respondent to the board. The board shall 365
determine whether to agree to the request and shall inform the 366
respondent in writing of its decision. If the board agrees to 367
nondisclosure of specified information in a proposal, such 368
information shall not become a public record under section 149.43 369
of the Revised Code. If the respondent withdraws its proposal at 370
any time prior to the execution of a contract, the proposal shall 371
not be a public record under section 149.43 of the Revised Code. 372

(I) Upon a recommendation from the department and in 373
accordance with section 3301.16 of the Revised Code, the state 374
board of education may revoke the charter of any alternative 375
school operated by a school district that violates this section. 376

Sec. 3313.672. (A)(1) At the time of ~~his~~ initial entry to a 377
public or nonpublic school, a pupil shall present to the person in 378
charge of admission any records given ~~him~~ the pupil by the public 379
or nonpublic elementary or secondary school ~~he~~ the pupil most 380
recently attended; a certified copy of an order or decree, or 381
modification of such an order or decree allocating parental rights 382
and responsibilities for the care of a child and designating a 383
residential parent and legal custodian of the child, as provided 384
in division (B) of this section, if that type of order or decree 385
has been issued; and a certification of birth issued pursuant to 386
Chapter 3705. of the Revised Code, a comparable certificate or 387

certification issued pursuant to the statutes of another state, 388
territory, possession, or nation, or a document in lieu of a 389
certificate or certification as described in divisions (A)(1)(a) 390
to (e) of this section. Any of the following shall be accepted in 391
lieu of a certificate or certification of birth by the person in 392
charge of admission: 393

(a) A passport or attested transcript of a passport filed 394
with a registrar of passports at a point of entry of the United 395
States showing the date and place of birth of the child; 396

(b) An attested transcript of the certificate of birth; 397

(c) An attested transcript of the certificate of baptism or 398
other religious record showing the date and place of birth of the 399
child; 400

(d) An attested transcript of a hospital record showing the 401
date and place of birth of the child; 402

(e) A birth affidavit. 403

~~(2) Within (2)(a) If a pupil requesting admission to a school 404
of the school district in which the pupil is entitled to attend 405
school under section 3313.64 or 3313.65 of the Revised Code has 406
been discharged or released from the custody of the department of 407
youth services under section 5139.51 of the Revised Code just 408
prior to requesting admission to the school, the superintendent of 409
the district shall make a written request to the department of 410
youth services to provide the records described in divisions 411
(D)(4)(a) and (b) of section 2152.18 of the Revised Code to a 412
school psychologist identified in accordance with division 413
(A)(2)(b) of this section. 414~~

(b) The superintendent shall request that the records be 415
provided only to the following: 416

(i) If the school district employs only one school 417

psychologist, to that school psychologist; 418

(ii) If the school district employs more than one school 419
psychologist, and one of the school psychologists reports directly 420
to the superintendent, to the school psychologist who reports 421
directly to the superintendent; 422

(iii) If the school district employs more than one school 423
psychologist, and more than one of the school psychologists 424
reports directly to the superintendent, to the school psychologist 425
reporting directly to the superintendent who the superintendent 426
designates; 427

(iv) If the school district employs more than one school 428
psychologist but no school psychologist reports directly to the 429
superintendent, to a school psychologist employed by the district 430
who the superintendent designates; 431

(v) If the school district does not employ a school 432
psychologist, but receives the services of a school psychologist 433
from an educational service center or pursuant to a contract for 434
such services, to a school psychologist who the superintendent 435
designates. 436

(c) The superintendent shall include in the request the name 437
and address of the school psychologist to whom the records should 438
be sent. 439

No school official shall admit the pupil until the records 440
described in divisions (D)(4)(a) and (b) of section 2152.18 of the 441
Revised Code have been received by the school psychologist named 442
in the request. 443

(3) Except as otherwise provided in division (A)(2) of this 444
section, within twenty-four hours of the entry into the school of 445
a pupil described in division (A)(1) of this section, a school 446
official shall request the pupil's official records from the 447

public or nonpublic elementary or secondary school ~~he~~ the pupil 448
most recently attended. If the public or nonpublic school the 449
pupil claims to have most recently attended indicates that it has 450
no record of the pupil's attendance or the records are not 451
received within fourteen days of the date of request, or if the 452
pupil does not present a certification of birth described in 453
division (A)(1) of this section, a comparable certificate or 454
certification from another state, territory, possession, or 455
nation, or another document specified in divisions (A)(1)(a) to 456
(d) of this section, the principal or chief administrative officer 457
of the school shall notify the law enforcement agency having 458
jurisdiction in the area where the pupil resides of this fact and 459
of the possibility that the pupil may be a missing child, as 460
defined in section 2901.30 of the Revised Code. 461

(B) Whenever an order or decree allocating parental rights 462
and responsibilities for the care of a child and designating a 463
residential parent and legal custodian of the child, including a 464
temporary order, is issued resulting from an action of divorce, 465
alimony, annulment, or dissolution of marriage, and the order or 466
decree pertains to a child who is a pupil in a public or nonpublic 467
school, the residential parent of the child shall notify the 468
school of those allocations and designations by providing the 469
person in charge of admission at the pupil's school with a 470
certified copy of the order or decree that made the allocation and 471
designation. Whenever there is a modification of any order or 472
decree allocating parental rights and responsibilities for the 473
care of a child and designating a residential parent and legal 474
custodian of the child that has been submitted to a school, the 475
residential parent shall provide the person in charge of admission 476
at the pupil's school with a certified copy of the order or decree 477
that makes the modification. 478

(C) If, at the time of a pupil's initial entry to a public or 479

nonpublic school, the pupil is under the care of a shelter for 480
victims of domestic violence, as defined in section 3113.33 of the 481
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 482
school of that fact. Upon being so informed, the school shall 483
inform the elementary or secondary school from which it requests 484
the pupil's records of that fact. 485

Sec. 5139.05. (A) The juvenile court may commit any child to 486
the department of youth services as authorized in Chapter 2152. of 487
the Revised Code, provided that any child so committed shall be at 488
least ten years of age at the time of the child's delinquent act, 489
and, if the child is ten or eleven years of age, the delinquent 490
act is a violation of section 2909.03 of the Revised Code or would 491
be aggravated murder, murder, or a first or second degree felony 492
offense of violence if committed by an adult. Any order to commit 493
a child to an institution under the control and management of the 494
department shall have the effect of ordering that the child be 495
committed to the department and assigned to an institution as 496
follows: 497

(1) For an indefinite term consisting of the prescribed 498
minimum period specified by the court under division (A)(1) of 499
section 2152.16 of the Revised Code and a maximum period not to 500
exceed the child's attainment of twenty-one years of age, if the 501
child was committed pursuant to section 2152.16 of the Revised 502
Code; 503

(2) Until the child's attainment of twenty-one years of age, 504
if the child was committed for aggravated murder or murder 505
pursuant to section 2152.16 of the Revised Code; 506

(3) For a period of commitment that shall be in addition to, 507
and shall be served consecutively with and prior to, a period of 508
commitment described in division (A)(1) or (2) of this section, if 509
the child was committed pursuant to section 2152.17 of the Revised 510

Code; 511

(4) If the child is ten or eleven years of age, to an 512
institution, a residential care facility, a residential facility, 513
or a facility licensed by the department of job and family 514
services that the department of youth services considers best 515
designated for the training and rehabilitation of the child and 516
protection of the public. The child shall be housed separately 517
from children who are twelve years of age or older until the child 518
is released or discharged or until the child attains twelve years 519
of age, whichever occurs first. Upon the child's attainment of 520
twelve years of age, if the child has not been released or 521
discharged, the department is not required to house the child 522
separately. 523

(B)(1) Except as otherwise provided in section 5139.54 of the 524
Revised Code, the release authority of the department of youth 525
services, in accordance with section 5139.51 of the Revised Code 526
and at any time after the end of the minimum period specified 527
under division (A)(1) of section 2152.16 of the Revised Code, may 528
grant the release from custody of any child committed to the 529
department. 530

The order committing a child to the department of youth 531
services shall state that the child has been adjudicated a 532
delinquent child and state the minimum period. The jurisdiction of 533
the court terminates at the end of the minimum period except as 534
follows: 535

(a) In relation to judicial release procedures, supervision, 536
and violations; 537

(b) With respect to functions of the court related to the 538
revocation of supervised release that are specified in sections 539
5139.51 and 5139.52 of the Revised Code; 540

(c) In relation to its duties relating to serious youthful 541

offender dispositional sentences under sections 2152.13 and 542
2152.14 of the Revised Code. 543

(2) When a child has been committed to the department under 544
section 2152.16 of the Revised Code, the department shall retain 545
legal custody of the child until one of the following: 546

(a) The department discharges the child to the exclusive 547
management, control, and custody of the child's parent or the 548
guardian of the child's person or, if the child is eighteen years 549
of age or older, discharges the child. 550

(b) The committing court, upon its own motion, upon petition 551
of the parent, guardian of the person, or next friend of a child, 552
or upon petition of the department, terminates the department's 553
legal custody of the child. 554

(c) The committing court grants the child a judicial release 555
to court supervision under section 2152.22 of the Revised Code. 556

(d) The department's legal custody of the child is terminated 557
automatically by the child attaining twenty-one years of age. 558

(e) If the child is subject to a serious youthful offender 559
dispositional sentence, the adult portion of that dispositional 560
sentence is imposed under section 2152.14 of the Revised Code. 561

(C) When a child is committed to the department of youth 562
services, the department may assign the child to a hospital for 563
mental, physical, and other examination, inquiry, or treatment for 564
the period of time that is necessary. The department may remove 565
any child in its custody to a hospital for observation, and a 566
complete report of every observation at the hospital shall be made 567
in writing and shall include a record of observation, treatment, 568
and medical history and a recommendation for future treatment, 569
custody, and maintenance. The department shall thereupon order the 570
placement and treatment that it determines to be most conducive to 571
the purposes of Chapters 2151. and 5139. of the Revised Code. The 572

committing court and all public authorities shall make available 573
to the department all pertinent data in their possession with 574
respect to the case. 575

(D) Records maintained by the department of youth services 576
pertaining to the children in its custody shall be accessible only 577
to department employees, except by consent of the department ~~or~~, 578
upon the order of the judge of a court of record, or as provided 579
in divisions (D)(1) and (2) of this section. These records shall 580
not be considered "public records," as defined in section 149.43 581
of the Revised Code. 582

(1) Except as otherwise provided by a law of this state or 583
the United States, the department of youth services may release 584
records that are maintained by the department of youth services 585
and that pertain to children in its custody to the department of 586
rehabilitation and correction regarding persons who are under the 587
jurisdiction of the department of rehabilitation and correction 588
and who have previously been committed to the department of youth 589
services. The department of rehabilitation and correction may use 590
those records for the limited purpose of carrying out the duties 591
of the department of rehabilitation and correction. Records 592
released by the department of youth services to the department of 593
rehabilitation and correction shall remain confidential and shall 594
not be considered public records as defined in section 149.43 of 595
the Revised Code. 596

(2) The department of youth services shall provide the 597
records described in divisions (D)(4)(a) and (b) of section 598
2152.18 of the Revised Code to the school psychologist named by 599
the school district in which a child discharged or released from 600
the custody of the department is entitled to attend school under 601
section 3313.64 or 3313.65 of the Revised Code. Subject to the 602
provisions of this section and sections 2317.02, 3319.321, and 603
4732.19 of the Revised Code and the Family Educational Rights and 604

Privacy Act, 20 U.S.C. 1232g, as amended, the records released
shall remain confidential and shall not be considered public
records as defined in section 149.43 of the Revised Code.

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(E)(1) When a child is committed to the department of youth services, the department, orally or in writing, shall notify the parent, guardian, or custodian of a child that the parent, guardian, or custodian may request at any time from the superintendent of the institution in which the child is located any of the information described in divisions (E)(1)(a), (b), (c), and (d) of this section. The parent, guardian, or custodian may provide the department with the name, address, and telephone number of the parent, guardian, or custodian, and, until the department is notified of a change of name, address, or telephone number, the department shall use the name, address, and telephone number provided by the parent, guardian, or custodian to provide notices or answer inquiries concerning the following information:

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(a) When the department of youth services makes a permanent assignment of the child to a facility, the department, orally or in writing and on or before the third business day after the day the permanent assignment is made, shall notify the parent, guardian, or custodian of the child of the name of the facility to which the child has been permanently assigned.

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If a parent, guardian, or custodian of a child who is committed to the department of youth services requests, orally or in writing, the department to provide the parent, guardian, or custodian with the name of the facility in which the child is currently located, the department, orally or in writing and on or before the next business day after the day on which the request is made, shall provide the name of that facility to the parent, guardian, or custodian.

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(b) If a parent, guardian, or custodian of a child who is

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committed to the department of youth services, orally or in 636
writing, asks the superintendent of the institution in which the 637
child is located whether the child is being disciplined by the 638
personnel of the institution, what disciplinary measure the 639
personnel of the institution are using for the child, or why the 640
child is being disciplined, the superintendent or the 641
superintendent's designee, on or before the next business day 642
after the day on which the request is made, shall provide the 643
parent, guardian, or custodian with written or oral responses to 644
the questions. 645

(c) If a parent, guardian, or custodian of a child who is 646
committed to the department of youth services, orally or in 647
writing, asks the superintendent of the institution in which the 648
child is held whether the child is receiving any medication from 649
personnel of the institution, what type of medication the child is 650
receiving, or what condition of the child the medication is 651
intended to treat, the superintendent or the superintendent's 652
designee, on or before the next business day after the day on 653
which the request is made, shall provide the parent, guardian, or 654
custodian with oral or written responses to the questions. 655

(d) When a major incident occurs with respect to a child who 656
is committed to the department of youth services, the department, 657
as soon as reasonably possible after the major incident occurs, 658
shall notify the parent, guardian, or custodian of the child that 659
a major incident has occurred with respect to the child and of all 660
the details of that incident that the department has ascertained. 661

(2) The failure of the department of youth services to 662
provide any notification required by or answer any requests made 663
pursuant to division (E) of this section does not create a cause 664
of action against the state. 665

(F) The department of youth services, as a means of 666
punishment while the child is in its custody, shall not prohibit a 667

child who is committed to the department from seeing that child's 668
parent, guardian, or custodian during standard visitation periods 669
allowed by the department of youth services unless the 670
superintendent of the institution in which the child is held 671
determines that permitting that child to visit with the child's 672
parent, guardian, or custodian would create a safety risk to that 673
child, that child's parents, guardian, or custodian, the personnel 674
of the institution, or other children held in that institution. 675

(G) As used in this section: 676

(1) "Permanent assignment" means the assignment or transfer 677
for an extended period of time of a child who is committed to the 678
department of youth services to a facility in which the child will 679
receive training or participate in activities that are directed 680
toward the child's successful rehabilitation. "Permanent 681
assignment" does not include the transfer of a child to a facility 682
for judicial release hearings pursuant to section 2152.22 of the 683
Revised Code or for any other temporary assignment or transfer to 684
a facility. 685

(2) "Major incident" means the escape or attempted escape of 686
a child who has been committed to the department of youth services 687
from the facility to which the child is assigned; the return to 688
the custody of the department of a child who has escaped or 689
otherwise fled the custody and control of the department without 690
authorization; the allegation of any sexual activity with a child 691
committed to the department; physical injury to a child committed 692
to the department as a result of alleged abuse by department 693
staff; an accident resulting in injury to a child committed to the 694
department that requires medical care or treatment outside the 695
institution in which the child is located; the discovery of a 696
controlled substance upon the person or in the property of a child 697
committed to the department; a suicide attempt by a child 698
committed to the department; a suicide attempt by a child 699

committed to the department that results in injury to the child 700
requiring emergency medical services outside the institution in 701
which the child is located; the death of a child committed to the 702
department; an injury to a visitor at an institution under the 703
control of the department that is caused by a child committed to 704
the department; and the commission or suspected commission of an 705
act by a child committed to the department that would be an 706
offense if committed by an adult. 707

(3) "Sexual activity" has the same meaning as in section 708
2907.01 of the Revised Code. 709

(4) "Controlled substance" has the same meaning as in section 710
3719.01 of the Revised Code. 711

(5) "Residential care facility" and "residential facility" 712
have the same meanings as in section 2151.011 of the Revised Code. 713

Section 2. That existing sections 2152.18, 3313.533, 714
3313.672, and 5139.05 of the Revised Code are hereby repealed. 715

Section 3. Section 2152.18 of the Revised Code is presented 716
in this act as a composite of the section as amended by both Sub. 717
H.B. 247 and Sub. H.B. 393 of the 124th General Assembly. The 718
General Assembly, applying the principle stated in division (B) of 719
section 1.52 of the Revised Code that amendments are to be 720
harmonized if reasonably capable of simultaneous operation, finds 721
that the composite is the resulting version of the section in 722
effect prior to the effective date of the section as presented in 723
this act. 724