

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 130

**Representatives Reidelbach, Hagan, McGregor, Kearns, Faber, Otterman,
Grendell, Williams, S. Patton, Cirelli, Allen, Clancy**

A B I L L

To amend sections 3313.64, 3313.66, and 3313.672 and 1
to enact sections 3109.51 to 3109.62, 3109.64 to 2
3109.73, 3109.75 to 3109.81, 3313.649, 3313.6410, 3
3313.6411, 3313.6412, 3313.6413, 3313.6414, and 4
3313.6415 of the Revised Code to permit the 5
execution of a power of attorney or caretaker 6
authorization affidavit permitting certain persons 7
with whom a child resides authority over the care, 8
custody, and control of the child including the 9
authority to make decisions regarding school 10
matters and to consent to the medical, 11
psychological, and dental care for the child. 12

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

Section 1. That sections 3313.64, 3313.66, and 3313.672 be 13
amended and sections 3109.51, 3109.52, 3109.53, 3109.54, 3109.55, 14
3109.56, 3109.57, 3109.58, 3109.59, 3109.60, 3109.61, 3109.62, 15
3109.64, 3109.65, 3109.66, 3109.67, 3109.68, 3109.69, 3109.70, 16
3109.71, 3109.72, 3109.73, 3109.75, 3109.76, 3109.77, 3109.78, 17
3109.79, 3109.80, 3109.81, 3313.649, 3313.6410, 3313.6411, 18
3313.6412, 3313.6413, 3313.6414, and 3313.6415 of the Revised Code 19
be enacted to read as follows: 20

Sec. 3109.51. As used in sections 3109.52 to 3109.81 of the Revised Code: 21
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(A) "Child" means a person under eighteen years of age. 23

(B) "Custodian" means an individual with legal custody of a child. 24
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(C) "Guardian" means an individual granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights, privileges, and responsibilities of the child's parents. 26
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(D) "Legal custody" and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code. 31
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Sec. 3109.52. The parent, guardian, or custodian of a child may create a power of attorney that grants to a person with whom the child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, custody, and control of the child, including the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. The power of attorney may not grant authority to consent to the marriage or adoption of the child. The power of attorney does not affect the rights of the parent, guardian, or custodian of the child in any future proceeding concerning custody of the child or the allocation of parental rights and responsibilities for the care of the child and does not grant legal custody to the attorney in fact. 34
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Sec. 3109.53. To create a power of attorney under section 50
3109.52 of the Revised Code, a parent, guardian, or custodian 51
shall use a form that is identical in form and content to the 52
following: 53

POWER OF ATTORNEY 54

I, the undersigned, residing at, in the county of 55
....., state of, hereby appoint, 56
residing at, in the county of, in the state 57
of Ohio, with whom the child of whom I am the parent, guardian, or 58
custodian is residing, my attorney in fact to exercise any and all 59
of my rights and responsibilities regarding the care, custody, and 60
control of the child,, born, having social 61
security number (optional), except my authority to 62
consent to marriage or adoption of the child, and to 63
perform all acts necessary in the execution of the rights and 64
responsibilities hereby granted, as fully as I might do if 65
personally present. The rights I am transferring under this power 66
of attorney include the ability to enroll the child in school, to 67
obtain from the school district educational and behavioral 68
information about the child, to consent to all school-related 69
matters regarding the child, and to consent to medical, 70
psychological, or dental treatment for the child. This transfer 71
does not affect my rights in any future proceedings concerning the 72
custody of the child or the allocation of the parental rights and 73
responsibilities for the care of the child and does not give the 74
attorney in fact legal custody of the child. This transfer does 75
not terminate my right to have regular contact with the child. 76

I hereby certify that I am transferring the rights and 77
responsibilities designated in this power of attorney because one 78
of the following circumstances exists: (1) I am: (a) Seriously 79
ill, incarcerated or about to be incarcerated; (b) Temporarily 80

unable to provide financial support or parental guidance to the
child; (c) Temporarily unable to provide adequate care and
supervision of the child because of the parent's, guardian's, or
custodian's physical or mental condition; (d) Homeless or without
a residence because the current residence is destroyed or
otherwise uninhabitable; or (e) In or about to enter a residential
treatment program for substance abuse; (2) I am a parent of the
child, the child's other parent is deceased, and I have authority
to execute the power of attorney; (3) I have a well-founded belief
that the power of attorney is in the child's best interest; or (4)
A public children services agency has requested or recommended in
writing that I execute the power of attorney.

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I hereby certify that I am not transferring my rights and
responsibilities regarding the child for the purpose of enrolling
the child in a school or school district so that the child may
participate in the academic or interscholastic athletic programs
provided by that school or district.

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This POWER OF ATTORNEY is valid until the occurrence of
whichever of the following events occurs first: (1) one year
elapses following the date this POWER OF ATTORNEY is notarized;
(2) I revoke this POWER OF ATTORNEY in writing; (3) the child
ceases to reside with the person designated as attorney in fact;
or (4) this POWER OF ATTORNEY is terminated by court order or
pursuant to section 3313.6413 of the Revised Code on a
determination that the power of attorney is not consistent with
the child's best interest.

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WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A
CRIME.

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Witness my hand this day of,

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Parent/Custodian/Guardian's signature	112
.....	113
Person designated as attorney in fact	114
State of Ohio _____)	115
) ss:	116
County of)	117
Subscribed, sworn to, and acknowledged before me this day	118
of,	119
.....	120
Notary Public	121
Notices:	122
1. <u>A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest; or (4) A public children services agency has requested or recommended in writing that this power of attorney be executed.</u>	123
2. <u>The signatures of the parent, guardian, or custodian of the child and the attorney in fact must be notarized by an Ohio</u>	124

notary public.

3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child and who is not prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact. 125
4. A parent, guardian, or custodian who creates a power of attorney must file it with the public children services agency of the county in which the attorney in fact resides. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 126
5. A parent, guardian, or custodian who creates a second or subsequent power of attorney regarding a child who is the subject of a prior power of attorney must file the power of attorney with the juvenile court of the county in which the attorney in fact resides. On filing, the juvenile court will schedule a hearing to determine whether the power of attorney is in the child's best interest. 127
6. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 128
7. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or 129

investigation.

8. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) one year elapses following the date the power of attorney is notarized; (2) the power of attorney is revoked in writing by the person who created it; (3) the child ceases to live with the attorney in fact; or (4) the power of attorney is terminated by court order or pursuant to section 3313.6413 of the Revised Code on a determination that the power of attorney is not consistent with the child's best interest.

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On termination of this power of attorney, the person who served as the attorney in fact shall notify, in writing, any schools, health care providers, or health insurance coverage provider with which the child has been involved through the person who served as the attorney in fact. The person who served as the attorney in fact shall also notify, in writing, any other person or entity that has an ongoing relationship with the child or person who served as the attorney in fact such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination. On termination of this power of attorney, the person who served as attorney in fact shall notify, in writing, the public children services agency in which the power of attorney was filed after its creation and the parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The person who served as the attorney in fact shall make the notifications not later than one week after the date the power of attorney terminates. Notification of the school at which the person who served as the attorney in fact sought to enroll the child is not required if the power of attorney terminated pursuant to section 3313.6413 of the Revised Code.

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Additional information:

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To the attorney in fact: 133

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If the child stops living with you, you are required to 135

notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

To school officials: 136

1. Except as provided in sections 3313.649 to 3313.6415 of the 137

Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the attorney in fact resides and the attorney in fact is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.

2. The school district may require additional reasonable evidence 138
that the attorney in fact lives in the school district.

3. A school district or school official that reasonably and in 139
good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers: 140

1. A person or entity that acts in good faith reliance on a power 141

of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal

liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the attorney in fact are notarized.

2. The decision of an attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official. 142

Sec. 3109.54. A power of attorney created pursuant to section 3109.52 of the Revised Code must be signed by the parent, guardian, or custodian granting it and by the person designated as the attorney in fact. For the power of attorney to be effective, the signatures must be notarized. The child's social security number need not appear on the power of attorney for the power of attorney to be effective. 143
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Sec. 3109.55. A person who creates a power of attorney under section 3109.52 of the Revised Code shall send notice of the creation to the parent of the child who is not the residential parent and legal custodian of the child and who is not prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code. The notice shall be sent by certified mail not later than five days after the power of attorney is created. The notice shall state the name and address of the person designated as the attorney in fact. 150
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Sec. 3109.56. When a parent seeks to create a power of attorney pursuant to section 3109.52 of the Revised Code, all of the following apply: 159
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(A) The power of attorney shall be executed by both parents if the parents are married to each other and are living as husband and wife or the child is the subject of a shared parenting order 162
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<u>issued pursuant to section 3109.04 of the Revised Code.</u>	165
<u>(B) In all other cases, the power of attorney may be executed only by one of the following persons:</u>	166
<u>(1) The parent who is the residential parent and legal custodian of the child, as determined by court order or as provided in section 3109.042 of the Revised Code;</u>	167
<u>(1) The parent who is the residential parent and legal custodian of the child, as determined by court order or as provided in section 3109.042 of the Revised Code;</u>	168
<u>(1) The parent who is the residential parent and legal custodian of the child, as determined by court order or as provided in section 3109.042 of the Revised Code;</u>	169
<u>(1) The parent who is the residential parent and legal custodian of the child, as determined by court order or as provided in section 3109.042 of the Revised Code;</u>	170
<u>(2) The parent with whom the child is residing the majority of the school year in cases in which no court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.</u>	171
<u>(2) The parent with whom the child is residing the majority of the school year in cases in which no court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.</u>	172
<u>(2) The parent with whom the child is residing the majority of the school year in cases in which no court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.</u>	173
<u>(2) The parent with whom the child is residing the majority of the school year in cases in which no court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.</u>	174
<u>(2) The parent with whom the child is residing the majority of the school year in cases in which no court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.</u>	175
<u>Sec. 3109.57. (A) Except as provided in division (B) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent, guardian, or custodian may create a power of attorney under section 3109.52 of the Revised Code only under the following circumstances:</u>	176
<u>Sec. 3109.57. (A) Except as provided in division (B) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent, guardian, or custodian may create a power of attorney under section 3109.52 of the Revised Code only under the following circumstances:</u>	177
<u>Sec. 3109.57. (A) Except as provided in division (B) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent, guardian, or custodian may create a power of attorney under section 3109.52 of the Revised Code only under the following circumstances:</u>	178
<u>Sec. 3109.57. (A) Except as provided in division (B) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent, guardian, or custodian may create a power of attorney under section 3109.52 of the Revised Code only under the following circumstances:</u>	179
<u>Sec. 3109.57. (A) Except as provided in division (B) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent, guardian, or custodian may create a power of attorney under section 3109.52 of the Revised Code only under the following circumstances:</u>	180
<u>(1) The parent, guardian, or custodian of the child is any of the following:</u>	181
<u>(1) The parent, guardian, or custodian of the child is any of the following:</u>	182
<u>(a) Seriously ill, incarcerated, or about to be incarcerated;</u>	183
<u>(a) Seriously ill, incarcerated, or about to be incarcerated;</u>	184
<u>(b) Temporarily unable to provide financial support or parental guidance to the child;</u>	185
<u>(b) Temporarily unable to provide financial support or parental guidance to the child;</u>	186
<u>(c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition;</u>	187
<u>(c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition;</u>	188
<u>(d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable;</u>	189
<u>(d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable;</u>	190
<u>(e) In or about to enter a residential treatment program for substance abuse.</u>	191
<u>(e) In or about to enter a residential treatment program for substance abuse.</u>	192
<u>(2) The parent, guardian, or custodian of the child has a</u>	193

well-founded belief that the power of attorney is in the child's 194
best interest; 195

(3) A public children services agency requests or recommends 196
in writing that a power of attorney regarding the child be 197
executed. 198

(B) In addition to the circumstances described in division 199
(A) of this section and subject to sections 3109.56 and 3109.58 of 200
the Revised Code, a parent may execute a power of attorney if the 201
other parent of the child is deceased. 202

Sec. 3109.58. (A) As used in this section, "temporary 203
custody," "permanent custody," and "planned permanent living 204
arrangement" have the same meanings as in section 2151.011 of the 205
Revised Code. 206

(B) A power of attorney created pursuant to section 3109.52 207
of the Revised Code may not be executed with respect to a child 208
while any of the following proceedings are pending regarding the 209
child: 210

(1) A proceeding for the appointment of a guardian for, or 211
the adoption of, the child; 212

(2) A juvenile proceeding in which one of the following 213
applies: 214

(a) The temporary, permanent, or legal custody of the child 215
or the placement of the child in a planned permanent living 216
arrangement has been requested. 217

(b) The child is the subject of an ex parte emergency custody 218
order issued under division (D) of section 2151.31 of the Revised 219
Code, and no hearing has yet been held regarding the child under 220
division (A) of section 2151.314 of the Revised Code. 221

(c) The child is the subject of a temporary custody order 222

<u>issued under section 2151.33 of the Revised Code.</u>	223
<u>(3) A proceeding for divorce, dissolution, legal separation,</u>	224
<u>annulment, or allocation of parental rights and responsibilities</u>	225
<u>regarding the child.</u>	226
<u>Sec. 3109.59.</u> <u>A power of attorney created under section</u>	227
<u>3109.52 of the Revised Code terminates on the occurrence of</u>	228
<u>whichever of the following events occurs first:</u>	229
<u>(A) One year elapses following the date the power of attorney</u>	230
<u>is notarized.</u>	231
<u>(B) The power of attorney is revoked in writing by the person</u>	232
<u>who created it.</u>	233
<u>(C) The child ceases to reside with the person designated as</u>	234
<u>the attorney in fact.</u>	235
<u>(D) The power of attorney is terminated by court order or</u>	236
<u>pursuant to section 3313.6413 of the Revised Code on a</u>	237
<u>determination that the power of attorney is not consistent with</u>	238
<u>the child's best interest.</u>	239
<u>Sec. 3109.60.</u> <u>When a power of attorney created pursuant to</u>	240
<u>section 3109.52 of the Revised Code terminates, the person</u>	241
<u>designated as the attorney in fact shall notify, in writing, all</u>	242
<u>of the following:</u>	243
<u>(A) The school district in which the child attends school;</u>	244
<u>(B) The child's health care providers;</u>	245
<u>(C) The child's health insurance coverage provider;</u>	246
<u>(D) The public children services agency in which the power of</u>	247
<u>attorney was filed under section 3109.75 of the Revised Code;</u>	248
<u>(E) The parent who is not the residential parent and legal</u>	249
<u>custodian and who is required to be given notice under section</u>	250

<u>3109.55 of the Revised Code;</u>	251
<u>(F) Any other person or entity that has an ongoing</u>	252
<u>relationship with the child or attorney in fact such that the</u>	253
<u>person or entity would reasonably rely on the power of attorney</u>	254
<u>unless notified of the termination.</u>	255
<u>The attorney in fact shall make the notifications not later</u>	256
<u>than one week after the date the power of attorney terminates.</u>	257
<u>Sec. 3109.61. A person who, in good faith, relies on or takes</u>	258
<u>action in reliance on a power of attorney created under section</u>	259
<u>3109.52 of the Revised Code is immune from any criminal or civil</u>	260
<u>liability for injury, death, or loss to persons or property that</u>	261
<u>might otherwise be incurred or imposed solely as a result of the</u>	262
<u>person's reliance or action. The person is not subject to any</u>	263
<u>disciplinary action from an entity that licenses or certifies the</u>	264
<u>person.</u>	265
<u>Any medical, psychological, or dental treatment provided to a</u>	266
<u>child in reliance on a power of attorney created under section</u>	267
<u>3109.52 of the Revised Code shall be considered to have been</u>	268
<u>provided in good faith if the person providing the treatment had</u>	269
<u>no actual knowledge of opposition by the parent, guardian, or</u>	270
<u>custodian.</u>	271
<u>This section does not provide immunity from civil or criminal</u>	272
<u>liability to any person for actions that are wanton, reckless, or</u>	273
<u>inconsistent with the ordinary standard of care required to be</u>	274
<u>exercised by anyone acting in the same capacity as the person.</u>	275
<u>Sec. 3109.62. A military power of attorney executed pursuant</u>	276
<u>to section 574(a) of the "National Defense Authorization Act for</u>	277
<u>Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, that</u>	278
<u>grants a person's rights and responsibilities regarding the care,</u>	279
<u>custody, and control of the person's child, including the ability</u>	280

to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child shall be considered a power of attorney created pursuant to sections 3109.51 to 3109.61 of the Revised Code, as long as the military power of attorney, according to its terms, remains in effect. 281
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Sec. 3109.64. As used in sections 3109.65 to 3109.81 of the Revised Code, "qualified relative" means any person over eighteen years of age who is related to a child by blood, marriage, or marriage that has been legally terminated. 288
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"Qualified relative" does not include the following persons: 292

(A) A parent of the child who has committed an act resulting in the child being adjudicated an abused or neglected child; 293
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(B) The residential parent and legal custodian of the child, in cases in which the parents of the child are divorced or their marriage has been dissolved or annulled; 295
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(C) The child's guardian; 298

(D) The child's custodian. 299

Sec. 3109.65. If a child is living with a qualified relative who has made reasonable attempts to locate and contact the child's parent, guardian, or custodian but has been unable to do so, the qualified relative may obtain authority to exercise care, custody, and control of the child including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child by executing a caretaker authorization affidavit in accordance with section 3109.67 of the 300
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Revised Code.

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Sec. 3109.66. The caretaker authorization affidavit that a qualified relative described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

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CARETAKER AUTHORIZATION AFFIDAVIT

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Use of this affidavit is authorized by sections 3109.64 to 3109.73 of the Ohio Revised Code.

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Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the person signing to exercise care, custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

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The child named below lives in my home, I am 18 years of age or older, and I am a qualified relative (see definition below).

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1. Name of child:

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2. Child's date and year of birth:

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3. Child's social security number (optional):

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4. My name:

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5. My home address:

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6. My date and year of birth:

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7. My Ohio driver's license number or identification card number:

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8. Despite having made reasonable attempts, I am unable to locate or unable to contact the child's parent, guardian, or custodian.

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9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school

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district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME. 337
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I declare that the foregoing is true and correct: 339

Signed:..... Date:..... 340

Qualified Relative 341

State of Ohio _____) 342

) ss: 343

County of) 344

Subscribed, sworn to, and acknowledged before me this day 345

of, 346

..... 347

Notary Public 348

Notices: 349

1. The qualified relative's signature must be notarized by an Ohio notary public. 350

2. The qualified relative who executed this affidavit must file it with the public children services agency of the county in which the qualified relative resides not later than five days after the date it is executed. 351

3. A qualified relative who executes a second or subsequent caretaker authorization affidavit regarding a child who is the subject of a prior caretaker authorization affidavit must file the affidavit with the juvenile court of the county in which the qualified relative resides. On filing, the juvenile court will schedule a hearing to determine whether the caretaker authorization affidavit is in the child's best interest. 352

4. This affidavit does not affect the rights of the child's 353

parents, guardian, or custodian regarding the care, custody, and control of the child, and does not give the qualified relative legal custody of the child.

5. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 354

6. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) one year elapses following the date the affidavit is notarized; (2) the child ceases to live with the qualified relative who signs this form; (3) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the qualified relative who signed this affidavit; or (4) the affidavit is terminated by court order. 355

A parent, guardian, or custodian may negate, reverse, or disapprove a qualified relative's action or decision only by delivering written notice of negation, reversal, or disapproval to the qualified relative and the person acting on the qualified relative's action or decision in reliance on this affidavit. 356

On termination of this affidavit, the qualified relative who signed this affidavit shall notify, in writing, any schools, health care providers, or health insurance coverage provider with which the child has been involved through the qualified relative. The qualified relative shall also notify, in writing, any other person or entity that has an ongoing relationship with the child or caretaker such that the person or entity would reasonably rely on the affidavit unless notified of the termination. On termination of this affidavit, the qualified relative shall notify, in writing, the public children services agency in which the affidavit was filed after its creation. The qualified relative shall make the notifications not later than one week after the date the 357

affidavit terminates.

7. The decision of a qualified relative to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 358

Additional information: 359

To caretakers: 360

1. "Qualified relative," for the purposes of this affidavit, means any person over the age of 18 who is related to the child, whether by blood, marriage, or marriage that has been terminated and includes any person related to the child and designated by one of the following terms: spouse, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition. 361

"Qualified relative" does not include: (1) a parent of the child who has committed an act resulting in the child being adjudicated an abused or neglected child; (2) the residential parent and legal custodian of the child, in cases in which the parents of the child are divorced or their marriage has been dissolved or annulled; (3) the child's guardian; or (4) the child's custodian. 362

2. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The 363

notifications must be made not later than one week after the child stops living with you.

3. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 364

To school officials: 365

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the qualified relative who signed this affidavit resides and the qualified relative is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 366

2. The school district may require additional reasonable evidence that the qualified relative lives at the address provided in item 5. 367

3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 368

4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the qualified relative who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a qualified relative's action or decision only by delivering written notice of negation, reversal, or disapproval to the qualified relative and the person acting on the qualified relative's action or decision in reliance on this affidavit. 369

To health care providers: 370

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the qualified relative's signature is notarized. 371

2. The decision of a qualified relative, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 372

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the qualified relative who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a qualified relative's action or decision only by delivering written notice of negation, reversal, or disapproval to the qualified relative and the person acting on the qualified relative's action or decision in reliance on this affidavit. 373

Sec. 3109.67. A caretaker authorization affidavit described in section 3109.66 of the Revised Code is executed when the affidavit is completed, signed by a qualified relative described in section 3109.65 of the Revised Code, and notarized. 374
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Sec. 3109.68. (A) As used in this section, "temporary 378

custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section 2151.011 of the Revised Code. 379
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(B) An affidavit may not be executed with respect to a child while any of the following proceedings are pending regarding the child: 382
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(1) A proceeding for the appointment of a guardian for, or the adoption of, the child; 385
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(2) A juvenile proceeding in which one of the following applies: 387
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(a) The temporary, permanent, or legal custody of the child or the placement of the child in a planned permanent living arrangement has been requested. 389
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(b) The child is the subject of an ex parte emergency custody order issued under division (D) of section 2151.31 of the Revised Code, and no hearing has yet been held regarding the child under division (A) of section 2151.314 of the Revised Code. 392
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(c) The child is the subject of a temporary custody order issued under section 2151.33 of the Revised Code. 396
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(3) A proceeding for divorce, dissolution, legal separation, annulment, or allocation of parental rights and responsibilities regarding the child. 398
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Sec. 3109.69. Once a caretaker authorization affidavit has been executed under section 3109.67 of the Revised Code, the qualified relative may exercise care, custody, and control of the child, including enrolling the child in school, discussing with the school district the child's educational progress, consenting to all school-related matters regarding the child, and consenting to medical, psychological, or dental treatment for the child. The 401
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affidavit does not affect the rights and responsibilities of the 408
parent, guardian, or custodian regarding the child, does not grant 409
legal custody to the qualified relative, and does not grant 410
authority to the qualified relative to consent to the marriage or 411
adoption of the child. 412

Sec. 3109.70. An executed caretaker authorization affidavit 413
shall terminate on the occurrence of whichever of the following 414
comes first: 415

(A) One year elapses following the date the affidavit is 416
notarized. 417

(B) The child ceases to reside with the qualified relative. 418

(C) The parent, guardian, or custodian of the child who is 419
the subject of the affidavit acts, in accordance with section 420
3109.72 of the Revised Code, to negate, reverse, or otherwise 421
disapprove an action or decision of the qualified relative who 422
signed the affidavit with respect to the child. 423

(D) The affidavit is terminated by court order. 424

Sec. 3109.71. When a caretaker authorization affidavit 425
terminates, the qualified relative shall notify, in writing, the 426
school district in which the child attends school, the child's 427
health care providers, the child's health insurance coverage 428
provider, the public children services agency in which the 429
affidavit was filed under section 3109.75 of the Revised Code, and 430
any other person or entity that has an ongoing relationship with 431
the child or qualified relative such that the person or entity 432
would reasonably rely on the affidavit unless notified of the 433
termination. The qualified relative shall make the notifications 434
not later than one week after the date the affidavit terminates. 435

Sec. 3109.72. The parent, guardian, or custodian of a child 436
may negate, reverse, or otherwise disapprove any action taken or 437
decision made pursuant to a caretaker authorization affidavit 438
unless negation, reversal, or disapproval would jeopardize the 439
life, health, or safety of the child. A parent, guardian, or 440
custodian may negate, reverse, or disapprove a caretaker's action 441
or decision only by delivering written notice of negation, 442
reversal, or disapproval to the caretaker and the person 443
responding to the caretaker's action or decision in reliance on 444
the affidavit. The act to negate, reverse, or disapprove the 445
action or decision, regardless of whether it is effective, 446
terminates the affidavit. 447

Sec. 3109.73. A person who, in good faith, relies on or takes 448
action in reliance on a caretaker authorization affidavit is 449
immune from any criminal or civil liability for injury, death, or 450
loss to persons or property that might otherwise be incurred or 451
imposed solely as a result of the reliance or action. The person 452
is not subject to any disciplinary action from an entity that 453
licenses or certifies the person. Any medical, psychological, or 454
dental treatment provided to a child in reliance on an affidavit 455
with respect to the child shall be considered to have been 456
provided in good faith if the the person providing the treatment 457
had no actual knowledge of opposition by the parent, guardian, or 458
custodian. 459

This section does not provide immunity from civil or criminal 460
liability to any person for actions that are wanton, reckless, or 461
inconsistent with the ordinary standard of care required to be 462
exercised by anyone acting in the same capacity as the person. 463

Sec. 3109.75. A person who creates a power of attorney under 464
section 3109.52 of the Revised Code or executes a caretaker 465

authorization affidavit under section 3109.67 of the Revised Code shall file the power of attorney or affidavit with the public children services agency of the county in which the attorney in fact or qualified relative resides. The power of attorney or affidavit shall be filed not later than five days after the date it is created or executed. 466
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A power of attorney filed under this section shall be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail under section 3109.55 of the Revised Code. 472
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Sec. 3109.76. On the request of the person in charge of admissions of a school or a person described under division (A)(1)(b) of section 2151.421 of the Revised Code, a public children services agency shall verify whether a power of attorney of caretaker authorization affidavit has been filed under section 3109.75 of the Revised Code with respect to a child. 477
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Sec. 3109.77. If a second or subsequent power of attorney is created under section 3109.52 of the Revised Code regarding a child who is the subject of a prior power of attorney or a second or subsequent caretaker authorization affidavit is executed under section 3109.67 of the Revised Code regarding a child who is the subject of a prior affidavit, the person who creates the power of attorney or executes the affidavit must file it with the juvenile court of the county in which the attorney in fact or qualified relative resides. 483
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Sec. 3109.78. On the filing of a power of attorney or caretaker authorization affidavit under section 3109.77 of the Revised Code, the juvenile court shall schedule a hearing to 492
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determine whether the power of attorney or affidavit is in the
child's best interest. The court shall provide notice of the date,
time, and location of the hearing to the parties. The hearing
shall be held not later than ten days after the date the power of
attorney or affidavit was filed with the court. At the hearing,
the parties may present evidence and be represented by counsel.

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At the conclusion of the hearing, if the court determines
that the power of attorney or affidavit is in the child's best
interest, the power of attorney or affidavit shall remain in
effect unless otherwise terminated under section 3109.59 of the
Revised Code with respect to a power of attorney or section
3109.70 of the Revised Code with respect to an affidavit. If the
court determines the power of attorney or affidavit is not in the
child's best interest, the court shall issue an order terminating
the power of attorney or affidavit and ordering the child returned
to the child's parent, guardian, or custodian. If the parent,
guardian, or custodian of the child cannot be located, the court
shall treat the filing of the power of attorney or affidavit with
the court as a complaint under section 2151.27 of the Revised Code
that the child is a dependent child.

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Sec. 3109.79. No person shall create a power of attorney
under section 3109.52 of the Revised Code or execute a caretaker
authorization affidavit under section 3109.67 of the Revised Code
for the purpose of enrolling the child in a school or school
district so that the child may participate in the academic or
interscholastic athletic programs provided by the school or school
district. A power of attorney created, or an affidavit executed,
in violation of this section is void as of the date of its
creation or execution.

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Sec. 3109.80. As used in this section, "administrative child

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support order" and "court child support order" have the same 525
meanings as in section 3119.01 of the Revised Code. 526

A power of attorney created under section 3109.52 of the 527
Revised Code or a caretaker authorization affidavit executed under 528
section 3109.67 of the Revised Code shall not affect the 529
enforcement of an administrative child support order or court 530
child support order, unless a child support enforcement agency, 531
with respect to an administrative child support order, or a court, 532
with respect to either order, issues an order providing otherwise. 533

Sec. 3109.81. Only one power of attorney created under 534
section 3109.52 of the Revised Code or one caretaker authorization 535
executed under section 3109.67 of the Revised Code may be in 536
effect for a child at one time. 537

Sec. 3313.64. (A) As used in this section and in section 538
3313.65 of the Revised Code: 539

(1) ~~"Parent"~~ (a) Except as provided in division (A)(1)(b) of 540
this section, "parent" means either parent, unless the parents are 541
separated or divorced or their marriage has been dissolved or 542
annulled, in which case "parent" means the parent who is the 543
residential parent and legal custodian of the child. When a child 544
is in the legal custody of a government agency or a person other 545
than the child's natural or adoptive parent, "parent" means the 546
parent with residual parental rights, privileges, and 547
responsibilities. When a child is in the permanent custody of a 548
government agency or a person other than the child's natural or 549
adoptive parent, "parent" means the parent who was divested of 550
parental rights and responsibilities for the care of the child and 551
the right to have the child live with the parent and be the legal 552
custodian of the child and all residual parental rights, 553
privileges, and responsibilities. 554

<u>(b) When a child is the subject of a power of attorney</u>	555
<u>executed under sections 3109.51 to 3109.62 of the Revised Code,</u>	556
<u>"parent" means the attorney in fact under the power of attorney.</u>	557
<u>When a child is the subject of a caretaker authorization affidavit</u>	558
<u>executed under sections 3109.64 to 3109.73 of the Revised Code,</u>	559
<u>"parent" means the qualified relative under the affidavit.</u>	560
(2) "Legal custody," "permanent custody," and "residual	561
parental rights, privileges, and responsibilities" have the same	562
meanings as in section 2151.011 of the Revised Code.	563
(3) "School district" or "district" means a city, local, or	564
exempted village school district and excludes any school operated	565
in an institution maintained by the department of youth services.	566
(4) Except as used in division (C)(2) of this section, "home"	567
means a home, institution, foster home, group home, or other	568
residential facility in this state that receives and cares for	569
children, to which any of the following applies:	570
(a) The home is licensed, certified, or approved for such	571
purpose by the state or is maintained by the department of youth	572
services.	573
(b) The home is operated by a person who is licensed,	574
certified, or approved by the state to operate the home for such	575
purpose.	576
(c) The home accepted the child through a placement by a	577
person licensed, certified, or approved to place a child in such a	578
home by the state.	579
(d) The home is a children's home created under section	580
5153.21 or 5153.36 of the Revised Code.	581
(5) "Agency" means all of the following:	582
(a) A public children services agency;	583
(b) An organization that holds a certificate issued by the	584

Ohio department of job and family services in accordance with the 585
requirements of section 5103.03 of the Revised Code and assumes 586
temporary or permanent custody of children through commitment, 587
agreement, or surrender, and places children in family homes for 588
the purpose of adoption; 589

(c) Comparable agencies of other states or countries that 590
have complied with applicable requirements of section 2151.39, or 591
sections 5103.20 to 5103.28 of the Revised Code. 592

(6) A child is placed for adoption if either of the following 593
occurs: 594

(a) An agency to which the child has been permanently 595
committed or surrendered enters into an agreement with a person 596
pursuant to section 5103.16 of the Revised Code for the care and 597
adoption of the child. 598

(b) The child's natural parent places the child pursuant to 599
section 5103.16 of the Revised Code with a person who will care 600
for and adopt the child. 601

(7) "Handicapped preschool child" means a handicapped child, 602
as defined by division (A) of section 3323.01 of the Revised Code, 603
who is at least three years of age but is not of compulsory school 604
age, as defined in section 3321.01 of the Revised Code, and who is 605
not currently enrolled in kindergarten. 606

(8) "Child," unless otherwise indicated, includes handicapped 607
preschool children. 608

(B) Except as otherwise provided in section 3321.01 of the 609
Revised Code for admittance to kindergarten and first grade, a 610
child who is at least five but under twenty-two years of age and 611
any handicapped preschool child shall be admitted to school as 612
provided in this division. 613

(1) A child shall be admitted to the schools of the school 614

district in which the child's parent resides. 615

(2) A child who does not reside in the district where the 616
child's parent resides shall be admitted to the schools of the 617
district in which the child resides if any of the following 618
applies: 619

(a) The child is in the legal or permanent custody of a 620
government agency or a person other than the child's natural or 621
adoptive parent. 622

(b) The child resides in a home. 623

(c) The child requires special education. 624

(3) A child who is not entitled under division (B)(2) of this 625
section to be admitted to the schools of the district where the 626
child resides and who is residing with a resident of this state 627
with whom the child has been placed for adoption shall be admitted 628
to the schools of the district where the child resides unless 629
either of the following applies: 630

(a) The placement for adoption has been terminated. 631

(b) Another school district is required to admit the child 632
under division (B)(1) of this section. 633

Division (B) of this section does not prohibit the board of 634
education of a school district from placing a handicapped child 635
who resides in the district in a special education program outside 636
of the district or its schools in compliance with Chapter 3323. of 637
the Revised Code. 638

(C) A district shall not charge tuition for children admitted 639
under division (B)(1) or (3) of this section. If the district 640
admits a child under division (B)(2) of this section, tuition 641
shall be paid to the district that admits the child as follows: 642

(1) If the child receives special education in accordance 643
with Chapter 3323. of the Revised Code, tuition shall be paid in 644

accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 645
the Revised Code regardless of who has custody of the child or 646
whether the child resides in a home. 647

(2) Except as otherwise provided in division (C)(2)(d) of 648
this section, if the child is in the permanent or legal custody of 649
a government agency or person other than the child's parent, 650
tuition shall be paid by: 651

(a) The district in which the child's parent resided at the 652
time the court removed the child from home or at the time the 653
court vested legal or permanent custody of the child in the person 654
or government agency, whichever occurred first; 655

(b) If the parent's residence at the time the court removed 656
the child from home or placed the child in the legal or permanent 657
custody of the person or government agency is unknown, tuition 658
shall be paid by the district in which the child resided at the 659
time the child was removed from home or placed in legal or 660
permanent custody, whichever occurred first; 661

(c) If a school district cannot be established under division 662
(C)(2)(a) or (b) of this section, tuition shall be paid by the 663
district determined as required by section 2151.357 of the Revised 664
Code by the court at the time it vests custody of the child in the 665
person or government agency; 666

(d) If at the time the court removed the child from home or 667
vested legal or permanent custody of the child in the person or 668
government agency, whichever occurred first, one parent was in a 669
residential or correctional facility or a juvenile residential 670
placement and the other parent, if living and not in such a 671
facility or placement, was not known to reside in this state, 672
tuition shall be paid by the district determined under division 673
(D) of section 3313.65 of the Revised Code as the district 674
required to pay any tuition while the parent was in such facility 675

or placement. 676

(3) If the child is not in the permanent or legal custody of 677
a government agency or person other than the child's parent and 678
the child resides in a home, tuition shall be paid by one of the 679
following: 680

(a) The school district in which the child's parent resides; 681

(b) If the child's parent is not a resident of this state, 682
the home in which the child resides. 683

(D) Tuition required to be paid under divisions (C)(2) and 684
(3)(a) of this section shall be computed in accordance with 685
section 3317.08 of the Revised Code. Tuition required to be paid 686
under division (C)(3)(b) of this section shall be computed in 687
accordance with section 3317.081 of the Revised Code. If a home 688
fails to pay the tuition required by division (C)(3)(b) of this 689
section, the board of education providing the education may 690
recover in a civil action the tuition and the expenses incurred in 691
prosecuting the action, including court costs and reasonable 692
attorney's fees. If the prosecuting attorney or city director of 693
law represents the board in such action, costs and reasonable 694
attorney's fees awarded by the court, based upon the prosecuting 695
attorney's, director's, or one of their designee's time spent 696
preparing and presenting the case, shall be deposited in the 697
county or city general fund. 698

(E) A board of education may enroll a child free of any 699
tuition obligation for a period not to exceed sixty days, on the 700
sworn statement of an adult resident of the district that the 701
resident has initiated legal proceedings for custody of the child. 702

(F) In the case of any individual entitled to attend school 703
under this division, no tuition shall be charged by the school 704
district of attendance and no other school district shall be 705
required to pay tuition for the individual's attendance. 706

Notwithstanding division (B), (C), or (E) of this section: 707

(1) All persons at least eighteen but under twenty-two years 708
of age who live apart from their parents, support themselves by 709
their own labor, and have not successfully completed the high 710
school curriculum or the individualized education program 711
developed for the person by the high school pursuant to section 712
3323.08 of the Revised Code, are entitled to attend school in the 713
district in which they reside. 714

(2) Any child under eighteen years of age who is married is 715
entitled to attend school in the child's district of residence. 716

(3) A child is entitled to attend school in the district in 717
which either of the child's parents is employed if the child has a 718
medical condition that may require emergency medical attention. 719
The parent of a child entitled to attend school under division 720
(F)(3) of this section shall submit to the board of education of 721
the district in which the parent is employed a statement from the 722
child's physician certifying that the child's medical condition 723
may require emergency medical attention. The statement shall be 724
supported by such other evidence as the board may require. 725

(4) Any child residing with a person other than the child's 726
parent is entitled, for a period not to exceed twelve months, to 727
attend school in the district in which that person resides if the 728
child's parent files an affidavit with the superintendent of the 729
district in which the person with whom the child is living resides 730
stating all of the following: 731

(a) That the parent is serving outside of the state in the 732
armed services of the United States; 733

(b) That the parent intends to reside in the district upon 734
returning to this state; 735

(c) The name and address of the person with whom the child is 736
living while the parent is outside the state. 737

(5) Any child under the age of twenty-two years who, after 738
the death of a parent, resides in a school district other than the 739
district in which the child attended school at the time of the 740
parent's death is entitled to continue to attend school in the 741
district in which the child attended school at the time of the 742
parent's death for the remainder of the school year, subject to 743
approval of that district board. 744

(6) A child under the age of twenty-two years who resides 745
with a parent who is having a new house built in a school district 746
outside the district where the parent is residing is entitled to 747
attend school for a period of time in the district where the new 748
house is being built. In order to be entitled to such attendance, 749
the parent shall provide the district superintendent with the 750
following: 751

(a) A sworn statement explaining the situation, revealing the 752
location of the house being built, and stating the parent's 753
intention to reside there upon its completion; 754

(b) A statement from the builder confirming that a new house 755
is being built for the parent and that the house is at the 756
location indicated in the parent's statement. 757

(7) A child under the age of twenty-two years residing with a 758
parent who has a contract to purchase a house in a school district 759
outside the district where the parent is residing and who is 760
waiting upon the date of closing of the mortgage loan for the 761
purchase of such house is entitled to attend school for a period 762
of time in the district where the house is being purchased. In 763
order to be entitled to such attendance, the parent shall provide 764
the district superintendent with the following: 765

(a) A sworn statement explaining the situation, revealing the 766
location of the house being purchased, and stating the parent's 767
intent to reside there; 768

(b) A statement from a real estate broker or bank officer 769
confirming that the parent has a contract to purchase the house, 770
that the parent is waiting upon the date of closing of the 771
mortgage loan, and that the house is at the location indicated in 772
the parent's statement. 773

The district superintendent shall establish a period of time 774
not to exceed ninety days during which the child entitled to 775
attend school under division (F)(6) or (7) of this section may 776
attend without tuition obligation. A student attending a school 777
under division (F)(6) or (7) of this section shall be eligible to 778
participate in interscholastic athletics under the auspices of 779
that school, provided the board of education of the school 780
district where the student's parent resides, by a formal action, 781
releases the student to participate in interscholastic athletics 782
at the school where the student is attending, and provided the 783
student receives any authorization required by a public agency or 784
private organization of which the school district is a member 785
exercising authority over interscholastic sports. 786

(8) A child whose parent is a full-time employee of a city, 787
local, or exempted village school district, or of an educational 788
service center, may be admitted to the schools of the district 789
where the child's parent is employed, or in the case of a child 790
whose parent is employed by an educational service center, in the 791
district that serves the location where the parent's job is 792
primarily located, provided the district board of education 793
establishes such an admission policy by resolution adopted by a 794
majority of its members. Any such policy shall take effect on the 795
first day of the school year and the effective date of any 796
amendment or repeal may not be prior to the first day of the 797
subsequent school year. The policy shall be uniformly applied to 798
all such children and shall provide for the admission of any such 799
child upon request of the parent. No child may be admitted under 800

this policy after the first day of classes of any school year. 801

(9) A child who is with the child's parent under the care of 802
a shelter for victims of domestic violence, as defined in section 803
3113.33 of the Revised Code, is entitled to attend school free in 804
the district in which the child is with the child's parent, and no 805
other school district shall be required to pay tuition for the 806
child's attendance in that school district. 807

The enrollment of a child in a school district under this 808
division shall not be denied due to a delay in the school 809
district's receipt of any records required under section 3313.672 810
of the Revised Code or any other records required for enrollment. 811
Any days of attendance and any credits earned by a child while 812
enrolled in a school district under this division shall be 813
transferred to and accepted by any school district in which the 814
child subsequently enrolls. The state board of education shall 815
adopt rules to ensure compliance with this division. 816

(10) Any child under the age of twenty-two years whose parent 817
has moved out of the school district after the commencement of 818
classes in the child's senior year of high school is entitled, 819
subject to the approval of that district board, to attend school 820
in the district in which the child attended school at the time of 821
the parental move for the remainder of the school year and for one 822
additional semester or equivalent term. A district board may also 823
adopt a policy specifying extenuating circumstances under which a 824
student may continue to attend school under division (F)(10) of 825
this section for an additional period of time in order to 826
successfully complete the high school curriculum for the 827
individualized education program developed for the student by the 828
high school pursuant to section 3323.08 of the Revised Code. 829

(11) As used in this division, "grandparent" means a parent 830
of a parent of a child. A child under the age of twenty-two years 831
who is in the custody of the child's parent, resides with a 832

grandparent, and does not require special education is entitled to 833
attend the schools of the district in which the child's 834
grandparent resides, provided that, prior to such attendance in 835
any school year, the board of education of the school district in 836
which the child's grandparent resides and the board of education 837
of the school district in which the child's parent resides enter 838
into a written agreement specifying that good cause exists for 839
such attendance, describing the nature of this good cause, and 840
consenting to such attendance. 841

In lieu of a consent form signed by a parent, a board of 842
education may request the grandparent of a child attending school 843
in the district in which the grandparent resides pursuant to 844
division (F)(11) of this section to complete any consent form 845
required by the district, including any authorization required by 846
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 847
Upon request, the grandparent shall complete any consent form 848
required by the district. A school district shall not incur any 849
liability solely because of its receipt of a consent form from a 850
grandparent in lieu of a parent. 851

Division (F)(11) of this section does not create, and shall 852
not be construed as creating, a new cause of action or substantive 853
legal right against a school district, a member of a board of 854
education, or an employee of a school district. This section does 855
not affect, and shall not be construed as affecting, any 856
immunities from defenses to tort liability created or recognized 857
by Chapter 2744. of the Revised Code for a school district, 858
member, or employee. 859

(12) A child under the age of twenty-two years is entitled to 860
attend school in a school district other than the district in 861
which the child is entitled to attend school under division (B), 862
(C), or (E) of this section provided that, prior to such 863
attendance in any school year, both of the following occur: 864

(a) The superintendent of the district in which the child is 865
entitled to attend school under division (B), (C), or (E) of this 866
section contacts the superintendent of another district for 867
purposes of this division; 868

(b) The superintendents of both districts enter into a 869
written agreement that consents to the attendance and specifies 870
that the purpose of such attendance is to protect the student's 871
physical or mental well-being or to deal with other extenuating 872
circumstances deemed appropriate by the superintendents. 873

While an agreement is in effect under this division for a 874
student who is not receiving special education under Chapter 3323. 875
of the Revised Code and notwithstanding Chapter 3327. of the 876
Revised Code, the board of education of neither school district 877
involved in the agreement is required to provide transportation 878
for the student to and from the school where the student attends. 879

A student attending a school of a district pursuant to this 880
division shall be allowed to participate in all student 881
activities, including interscholastic athletics, at the school 882
where the student is attending on the same basis as any student 883
who has always attended the schools of that district while of 884
compulsory school age. 885

(13) All school districts shall comply with the 886
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 887
seq., for the education of homeless children. Each city, local, 888
and exempted village school district shall comply with the 889
requirements of that act governing the provision of a free, 890
appropriate public education, including public preschool, to each 891
homeless child. 892

When a child loses permanent housing and becomes a homeless 893
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 894
such a homeless person changes temporary living arrangements, the 895

child's parent or guardian shall have the option of enrolling the 896
child in either of the following: 897

(a) The child's school of origin, as defined in 42 U.S.C.A. 898
11432(g)(3)(C); 899

(b) The school that is operated by the school district in 900
which the shelter where the child currently resides is located and 901
that serves the geographic area in which the shelter is located. 902

(G) A board of education, after approving admission, may 903
waive tuition for students who will temporarily reside in the 904
district and who are either of the following: 905

(1) Residents or domiciliaries of a foreign nation who 906
request admission as foreign exchange students; 907

(2) Residents or domiciliaries of the United States but not 908
of Ohio who request admission as participants in an exchange 909
program operated by a student exchange organization. 910

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 911
3327.04, and 3327.06 of the Revised Code, a child may attend 912
school or participate in a special education program in a school 913
district other than in the district where the child is entitled to 914
attend school under division (B) of this section. 915

(I) This division does not apply to a child receiving special 916
education. 917

A school district required to pay tuition pursuant to 918
division (C)(2) or (3) of this section or section 3313.65 of the 919
Revised Code shall have an amount deducted under division (F) of 920
section 3317.023 of the Revised Code equal to its own tuition rate 921
for the same period of attendance. A school district entitled to 922
receive tuition pursuant to division (C)(2) or (3) of this section 923
or section 3313.65 of the Revised Code shall have an amount 924
credited under division (F) of section 3317.023 of the Revised 925

Code equal to its own tuition rate for the same period of 926
attendance. If the tuition rate credited to the district of 927
attendance exceeds the rate deducted from the district required to 928
pay tuition, the department of education shall pay the district of 929
attendance the difference from amounts deducted from all 930
districts' payments under division (F) of section 3317.023 of the 931
Revised Code but not credited to other school districts under such 932
division and from appropriations made for such purpose. The 933
treasurer of each school district shall, by the fifteenth day of 934
January and July, furnish the superintendent of public instruction 935
a report of the names of each child who attended the district's 936
schools under divisions (C)(2) and (3) of this section or section 937
3313.65 of the Revised Code during the preceding six calendar 938
months, the duration of the attendance of those children, the 939
school district responsible for tuition on behalf of the child, 940
and any other information that the superintendent requires. 941

Upon receipt of the report the superintendent, pursuant to 942
division (F) of section 3317.023 of the Revised Code, shall deduct 943
each district's tuition obligations under divisions (C)(2) and (3) 944
of this section or section 3313.65 of the Revised Code and pay to 945
the district of attendance that amount plus any amount required to 946
be paid by the state. 947

(J) In the event of a disagreement, the superintendent of 948
public instruction shall determine the school district in which 949
the parent resides. 950

(K) Nothing in this section requires or authorizes, or shall 951
be construed to require or authorize, the admission to a public 952
school in this state of a pupil who has been permanently excluded 953
from public school attendance by the superintendent of public 954
instruction pursuant to sections 3301.121 and 3313.662 of the 955
Revised Code. 956

Sec. 3313.649. (A) As used in this section and sections 3313.6410 to 3313.6415 of the Revised Code: 957
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(1) "Power of attorney" means a power of attorney created under section 3109.52 of the Revised Code. 959
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(2) "Caretaker authorization affidavit" means an affidavit executed under section 3109.67 of the Revised Code. 961
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(B) If an attorney in fact under a power of attorney or the qualified relative under a caretaker authorization affidavit seeks to enroll the child who is the subject of the power of attorney or affidavit in a school in the school district in which the attorney in fact or qualified relative resides, the person in charge of admission shall determine whether the power of attorney or affidavit is consistent with the child's best interest. Unless the person in charge of admission determines the power of attorney or affidavit is not consistent with the child's best interest or another reason exists under the Revised Code to exclude the child, the child may attend the schools of the school district in which the attorney in fact or qualified relative resides. 963
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If the person in charge of admission determines that the power of attorney or affidavit is not consistent with the child's best interest, the person shall make a written referral to the public children services agency of the county in which the attorney in fact or qualified relative resides. The referral shall state that the person believes that the power of attorney or affidavit is not consistent with the child's best interest and the specific facts and concerns supporting that belief. The determination and referral shall be made on the day the attorney in fact or qualified relative seeks to enroll the child in the school. 975
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Sec. 3313.6410. If a person described in division (A)(1)(b) 986

of section 2151.421 of the Revised Code determines that the power 987
of attorney or caretaker authorization affidavit is not consistent 988
with the child's best interest, the person shall make a written 989
referral to the public children services agency of the county in 990
which the attorney in fact or qualified relative resides. The 991
referral shall state that the person believes that the power of 992
attorney or affidavit is not consistent with the child's best 993
interests and the specific facts and concerns supporting that 994
belief. The referral shall include the person's name, address, and 995
phone number. 996

Sec. 3313.6411. On receipt of a referral pursuant to section 997
3313.649 or 3313.6410 of the Revised Code, the public children 998
services agency shall conduct an assessment to determine whether 999
the power of attorney or caretaker authorization affidavit is 1000
consistent with the best interests of the child. The assessment 1001
shall include an investigation of the safety of the home of the 1002
attorney in fact under the power of attorney or qualified relative 1003
under the affidavit and the ability of the attorney in fact or 1004
qualified relative to adequately care for the child. The 1005
assessment shall be completed not later than fourteen days after 1006
the agency receives the referral. 1007

Sec. 3313.6412. On completion of the assessment under section 1008
3313.6410 of the Revised Code, the public children services agency 1009
shall issue a written assessment report that provides the results 1010
of the assessment and states the determination of whether the 1011
power of attorney or caretaker authorization affidavit is 1012
consistent with the child's best interest. The agency shall 1013
distribute copies of the assessment report as follows: 1014

(A) If the referral was made under section 3313.649 of the 1015
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Revised Code, to the school district from which the referral was 1017
made; 1018

(B) If the referral was made by a person under section 1019
3313.649 of the Revised Code, to that person; 1020

(C) If the referral was made concerning a power of attorney, 1021
to the parent, guardian, or custodian who executed the power of 1022
attorney and the attorney in fact; 1023

(D) If the referral was made concerning a caretaker 1024
authorization affidavit, to the qualified relative under the 1025
affidavit. 1026

Sec. 3313.6413. Notwithstanding section 3313.64 of the 1027
Revised Code, if a referral is made pursuant to section 3313.649 1028
or 3313.6410 of the Revised Code, the child who is the subject of 1029
the power of attorney or caretaker authorization affidavit is not 1030
entitled to attend school in the school district from which the 1031
referral was made until the assessment report is issued under 1032
section 3313.6412 of the Revised Code. Until the assessment report 1033
is issued, the child, with respect to a power of attorney, is 1034
entitled to attend school in the district of the parent, guardian, 1035
or custodian who executed the power of attorney. With respect to 1036
an affidavit, the child is entitled to attend school in the 1037
district in which the child's parent, guardian, or custodian last 1038
resided. 1039

Sec. 3313.6414. If an assessment report issued under section 1040
3313.6412 of the Revised Code determines that a power of attorney 1041
is not consistent with the child's best interest, the power of 1042
attorney shall terminate as of the date the report is issued and 1043
the parent, guardian, or custodian who executed the power of 1044
attorney shall resume the care, custody, and control of the child. 1045
If the parent, guardian, or custodian cannot be located or cannot 1046

resume the care, custody, and control of the child, the public 1047
children services agency that issued the report shall file a 1048
complaint pursuant to section 2151.27 of the Revised Code alleging 1049
the child to be a dependent child. 1050

If an assessment report issued under section 3313.6412 of the 1051
Revised Code determines that a caretaker authorization affidavit 1052
is not consistent with the best interests of the child, the 1053
affidavit shall terminate and the public children services agency 1054
that issued the report shall file a complaint pursuant to section 1055
2151.27 of the Revised Code alleging the child to be a dependent 1056
child. 1057

If the assessment report determines that the power of 1058
attorney or affidavit is consistent with the child's best interest 1059
and no other reason exists under the Revised Code to exclude the 1060
child, the child may attend the schools of the school district in 1061
which the attorney in fact or qualified relative resides. 1062

Sec. 3313.6415. The department of job and family services 1063
shall adopt rules pursuant to Chapter 119. of the Revised Code 1064
that do the following: 1065

(A) Govern how assessments pursuant to section 3313.6411 of 1066
the Revised Code are to be conducted, including guidelines for 1067
assessing home safety and determining the ability of the attorney 1068
in fact or qualified relative to care for the child who is the 1069
subject of a power of attorney or caretaker authorization 1070
affidavit; 1071

(B) Govern the preparation and issuance of assessment reports 1072
pursuant to section 3313.6412 of the Revised Code. 1073

Sec. 3313.66. (A) Except as provided under division (B)(2) of 1074
this section, the superintendent of schools of a city, exempted 1075

village, or local school district, or the principal of a public 1076
school may suspend a pupil from school for not more than ten 1077
school days. The board of education of a city, exempted village, 1078
or local school district may adopt a policy granting assistant 1079
principals and other administrators the authority to suspend a 1080
pupil from school for a period of time as specified in the policy 1081
of the board of education, not to exceed ten school days. If at 1082
the time a suspension is imposed there are fewer than ten school 1083
days remaining in the school year in which the incident that gives 1084
rise to the suspension takes place, the superintendent may apply 1085
any remaining part or all of the period of the suspension to the 1086
following school year. Except in the case of a pupil given an 1087
in-school suspension, no pupil shall be suspended unless prior to 1088
the suspension such superintendent or principal does both of the 1089
following: 1090

(1) Gives the pupil written notice of the intention to 1091
suspend the pupil and the reasons for the intended suspension and, 1092
if the proposed suspension is based on a violation listed in 1093
division (A) of section 3313.662 of the Revised Code and if the 1094
pupil is sixteen years of age or older, includes in the notice a 1095
statement that the superintendent may seek to permanently exclude 1096
the pupil if the pupil is convicted of or adjudicated a delinquent 1097
child for that violation; 1098

(2) Provides the pupil an opportunity to appear at an 1099
informal hearing before the principal, assistant principal, 1100
superintendent, or superintendent's designee and challenge the 1101
reason for the intended suspension or otherwise to explain the 1102
pupil's actions. 1103

(B)(1) Except as provided under division (B)(2), (3), or (4) 1104
of this section, the superintendent of schools of a city, exempted 1105
village, or local school district may expel a pupil from school 1106

for a period not to exceed the greater of eighty school days or 1107
the number of school days remaining in the semester or term in 1108
which the incident that gives rise to the expulsion takes place, 1109
unless the expulsion is extended pursuant to division (F) of this 1110
section. If at the time an expulsion is imposed there are fewer 1111
than eighty school days remaining in the school year in which the 1112
incident that gives rise to the expulsion takes place, the 1113
superintendent may apply any remaining part or all of the period 1114
of the expulsion to the following school year. 1115

(2)(a) Unless a pupil is permanently excluded pursuant to 1116
section 3313.662 of the Revised Code, the superintendent of 1117
schools of a city, exempted village, or local school district 1118
shall expel a pupil from school for a period of one year for 1119
bringing a firearm to a school operated by the board of education 1120
of the district or onto any other property owned or controlled by 1121
the board, except that the superintendent may reduce this 1122
requirement on a case-by-case basis in accordance with the policy 1123
adopted by the board under section 3313.661 of the Revised Code. 1124

(b) The superintendent of schools of a city, exempted 1125
village, or local school district may expel a pupil from school 1126
for a period of one year for bringing a firearm to an 1127
interscholastic competition, an extracurricular event, or any 1128
other school program or activity that is not located in a school 1129
or on property that is owned or controlled by the district. The 1130
superintendent may reduce this disciplinary action on a 1131
case-by-case basis in accordance with the policy adopted by the 1132
board under section 3313.661 of the Revised Code. 1133

(c) Any expulsion pursuant to division (B)(2) of this section 1134
shall extend, as necessary, into the school year following the 1135
school year in which the incident that gives rise to the expulsion 1136
takes place. As used in this division, "firearm" has the same 1137
meaning as provided pursuant to the "Gun-Free Schools Act of 1138

1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2). 1139

(3) The board of education of a city, exempted village, or 1140
local school district may adopt a resolution authorizing the 1141
superintendent of schools to expel a pupil from school for a 1142
period not to exceed one year for bringing a knife to a school 1143
operated by the board, onto any other property owned or controlled 1144
by the board, or to an interscholastic competition, an 1145
extracurricular event, or any other program or activity sponsored 1146
by the school district or in which the district is a participant, 1147
or for possessing a firearm or knife at a school, on any other 1148
property owned or controlled by the board, or at an 1149
interscholastic competition, an extracurricular event, or any 1150
other school program or activity, which firearm or knife was 1151
initially brought onto school board property by another person. 1152
The resolution may authorize the superintendent to extend such an 1153
expulsion, as necessary, into the school year following the school 1154
year in which the incident that gives rise to the expulsion takes 1155
place. 1156

(4) The board of education of a city, exempted village, or 1157
local school district may adopt a resolution establishing a policy 1158
under section 3313.661 of the Revised Code that authorizes the 1159
superintendent of schools to expel a pupil from school for a 1160
period not to exceed one year for committing an act that is a 1161
criminal offense when committed by an adult and that results in 1162
serious physical harm to persons as defined in division (A)(5) of 1163
section 2901.01 of the Revised Code or serious physical harm to 1164
property as defined in division (A)(6) of section 2901.01 of the 1165
Revised Code while the pupil is at school, on any other property 1166
owned or controlled by the board, or at an interscholastic 1167
competition, an extracurricular event, or any other school program 1168
or activity. Any expulsion under this division shall extend, as 1169
necessary, into the school year following the school year in which 1170

the incident that gives rise to the expulsion takes place. 1171

(5) The board of education of any city, exempted village, or 1172
local school district may adopt a resolution establishing a policy 1173
under section 3313.661 of the Revised Code that authorizes the 1174
superintendent of schools to expel a pupil from school for a 1175
period not to exceed one year for making a bomb threat to a school 1176
building or to any premises at which a school activity is 1177
occurring at the time of the threat. Any expulsion under this 1178
division shall extend, as necessary, into the school year 1179
following the school year in which the incident that gives rise to 1180
the expulsion takes place. 1181

(6) No pupil shall be expelled under division (B)(1), (2), 1182
(3), (4), or (5) of this section unless, prior to the pupil's 1183
expulsion, the superintendent does both of the following: 1184

(a) Gives the pupil and the pupil's parent, guardian, or 1185
custodian written notice of the intention to expel the pupil; 1186

(b) Provides the pupil and the pupil's parent, guardian, 1187
custodian, or representative an opportunity to appear in person 1188
before the superintendent or the superintendent's designee to 1189
challenge the reasons for the intended expulsion or otherwise to 1190
explain the pupil's actions. 1191

The notice required in this division shall include the 1192
reasons for the intended expulsion, notification of the 1193
opportunity of the pupil and the pupil's parent, guardian, 1194
custodian, or representative to appear before the superintendent 1195
or the superintendent's designee to challenge the reasons for the 1196
intended expulsion or otherwise to explain the pupil's action, and 1197
notification of the time and place to appear. The time to appear 1198
shall not be earlier than three nor later than five school days 1199
after the notice is given, unless the superintendent grants an 1200
extension of time at the request of the pupil or the pupil's 1201

parent, guardian, custodian, or representative. If an extension is 1202
granted after giving the original notice, the superintendent shall 1203
notify the pupil and the pupil's parent, guardian, custodian, or 1204
representative of the new time and place to appear. If the 1205
proposed expulsion is based on a violation listed in division (A) 1206
of section 3313.662 of the Revised Code and if the pupil is 1207
sixteen years of age or older, the notice shall include a 1208
statement that the superintendent may seek to permanently exclude 1209
the pupil if the pupil is convicted of or adjudicated a delinquent 1210
child for that violation. 1211

(7) A superintendent of schools of a city, exempted village, 1212
or local school district shall initiate expulsion proceedings 1213
pursuant to this section with respect to any pupil who has 1214
committed an act warranting expulsion under the district's policy 1215
regarding expulsion even if the pupil has withdrawn from school 1216
for any reason after the incident that gives rise to the hearing 1217
but prior to the hearing or decision to impose the expulsion. If, 1218
following the hearing, the pupil would have been expelled for a 1219
period of time had the pupil still been enrolled in the school, 1220
the expulsion shall be imposed for the same length of time as on a 1221
pupil who has not withdrawn from the school. 1222

(C) If a pupil's presence poses a continuing danger to 1223
persons or property or an ongoing threat of disrupting the 1224
academic process taking place either within a classroom or 1225
elsewhere on the school premises, the superintendent or a 1226
principal or assistant principal may remove a pupil from 1227
curricular activities or from the school premises, and a teacher 1228
may remove a pupil from curricular activities under the teacher's 1229
supervision, without the notice and hearing requirements of 1230
division (A) or (B) of this section. As soon as practicable after 1231
making such a removal, the teacher shall submit in writing to the 1232
principal the reasons for such removal. 1233

If a pupil is removed under this division from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held within three school days from the time the initial removal is ordered. The hearing shall be held in accordance with division (A) of this section unless it is probable that the pupil may be subject to expulsion, in which case a hearing in accordance with division (B) of this section shall be held, except that the hearing shall be held within three school days of the initial removal. The individual who ordered, caused, or requested the removal to be made shall be present at the hearing.

If the superintendent or the principal reinstates a pupil in a curricular activity under the teacher's supervision prior to the hearing following a removal under this division, the teacher, upon request, shall be given in writing the reasons for such reinstatement.

(D) The superintendent or principal, within one school day after the time of a pupil's expulsion or suspension, shall notify in writing the parent, guardian, or custodian of the pupil and the treasurer of the board of education of the expulsion or suspension. The notice shall include the reasons for the expulsion or suspension, notification of the right of the pupil or the pupil's parent, guardian, or custodian to appeal the expulsion or suspension to the board of education or to its designee, to be represented in all appeal proceedings, to be granted a hearing before the board or its designee in order to be heard against the suspension or expulsion, and to request that the hearing be held in executive session, notification that the expulsion may be subject to extension pursuant to division (F) of this section if the pupil is sixteen years of age or older, and notification that the superintendent may seek the pupil's permanent exclusion if the

suspension or expulsion was based on a violation listed in 1266
division (A) of section 3313.662 of the Revised Code that was 1267
committed when the child was sixteen years of age or older and if 1268
the pupil is convicted of or adjudicated a delinquent child for 1269
that violation. 1270

Any superintendent expelling a pupil under this section for 1271
more than twenty school days or for any period of time if the 1272
expulsion will extend into the following semester or school year 1273
shall, in the notice required under this division, provide the 1274
pupil and the pupil's parent, guardian, or custodian with 1275
information about services or programs offered by public and 1276
private agencies that work toward improving those aspects of the 1277
pupil's attitudes and behavior that contributed to the incident 1278
that gave rise to the pupil's expulsion. The information shall 1279
include the names, addresses, and phone numbers of the appropriate 1280
public and private agencies. 1281

(E) A pupil or the pupil's parent, guardian, or custodian may 1282
appeal the pupil's expulsion by a superintendent or suspension by 1283
a superintendent, principal, assistant principal, or other 1284
administrator to the board of education or to its designee. The 1285
pupil or the pupil's parent, guardian, or custodian may be 1286
represented in all appeal proceedings and shall be granted a 1287
hearing before the board or its designee in order to be heard 1288
against the suspension or expulsion. At the request of the pupil 1289
or of the pupil's parent, guardian, custodian, or attorney, the 1290
board or its designee may hold the hearing in executive session 1291
but shall act upon the suspension or expulsion only at a public 1292
meeting. The board, by a majority vote of its full membership or 1293
by the action of its designee, may affirm the order of suspension 1294
or expulsion, reinstate the pupil, or otherwise reverse, vacate, 1295
or modify the order of suspension or expulsion. 1296

The board or its designee shall make a verbatim record of 1297

hearings held under this division. The decisions of the board or 1298
its designee may be appealed under Chapter 2506. of the Revised 1299
Code. 1300

This section shall not be construed to require notice and 1301
hearing in accordance with division (A), (B), or (C) of this 1302
section in the case of normal disciplinary procedures in which a 1303
pupil is removed from a curricular activity for a period of less 1304
than one school day and is not subject to suspension or expulsion. 1305

(F)(1) If a pupil is expelled pursuant to division (B) of 1306
this section for committing any violation listed in division (A) 1307
of section 3313.662 of the Revised Code and the pupil was sixteen 1308
years of age or older at the time of committing the violation, if 1309
a complaint, indictment, or information is filed alleging that the 1310
pupil is a delinquent child based upon the commission of the 1311
violation or the pupil is prosecuted as an adult for the 1312
commission of the violation, and if the resultant juvenile court 1313
or criminal proceeding is pending at the time that the expulsion 1314
terminates, the superintendent of schools that expelled the pupil 1315
may file a motion with the court in which the proceeding is 1316
pending requesting an order extending the expulsion for the lesser 1317
of an additional eighty days or the number of school days 1318
remaining in the school year. Upon the filing of the motion, the 1319
court immediately shall schedule a hearing and give written notice 1320
of the time, date, and location of the hearing to the 1321
superintendent and to the pupil and the pupil's parent, guardian, 1322
or custodian. At the hearing, the court shall determine whether 1323
there is reasonable cause to believe that the pupil committed the 1324
alleged violation that is the basis of the expulsion and, upon 1325
determining that reasonable cause to believe the pupil committed 1326
the violation does exist, shall grant the requested extension. 1327

(2) If a pupil has been convicted of or adjudicated a 1328
delinquent child for a violation listed in division (A) of section 1329

3313.662 of the Revised Code for an act that was committed when 1330
the child was sixteen years of age or older, if the pupil has been 1331
expelled pursuant to division (B) of this section for that 1332
violation, and if the board of education of the school district of 1333
the school from which the pupil was expelled has adopted a 1334
resolution seeking the pupil's permanent exclusion, the 1335
superintendent may file a motion with the court that convicted the 1336
pupil or adjudicated the pupil a delinquent child requesting an 1337
order to extend the expulsion until an adjudication order or other 1338
determination regarding permanent exclusion is issued by the 1339
superintendent of public instruction pursuant to section 3301.121 1340
and division (D) of section 3313.662 of the Revised Code. Upon the 1341
filing of the motion, the court immediately shall schedule a 1342
hearing and give written notice of the time, date, and location of 1343
the hearing to the superintendent of the school district, the 1344
pupil, and the pupil's parent, guardian, or custodian. At the 1345
hearing, the court shall determine whether there is reasonable 1346
cause to believe the pupil's continued attendance in the public 1347
school system may endanger the health and safety of other pupils 1348
or school employees and, upon making that determination, shall 1349
grant the requested extension. 1350

(G) The failure of the superintendent or the board of 1351
education to provide the information regarding the possibility of 1352
permanent exclusion in the notice required by divisions (A), (B), 1353
and (D) of this section is not jurisdictional, and the failure 1354
shall not affect the validity of any suspension or expulsion 1355
procedure that is conducted in accordance with this section or the 1356
validity of a permanent exclusion procedure that is conducted in 1357
accordance with sections 3301.121 and 3313.662 of the Revised 1358
Code. 1359

(H) With regard to suspensions and expulsions pursuant to 1360
divisions (A) and (B) of this section by the board of education of 1361

any city, exempted village, or local school district, this section 1362
shall apply to any student, whether or not the student is enrolled 1363
in the district, attending or otherwise participating in any 1364
curricular program provided in a school operated by the board or 1365
provided on any other property owned or controlled by the board. 1366

(I) Whenever a student is expelled under this section, the 1367
expulsion shall result in removal of the student from the 1368
student's regular school setting. However, during the period of 1369
the expulsion, the board of education of the school district that 1370
expelled the student or any board of education admitting the 1371
student during that expulsion period may provide educational 1372
services to the student in an alternative setting. 1373

(J)(1) Notwithstanding ~~section~~ sections 3109.51 to 3109.81, 1374
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1375
after offering an opportunity for a hearing, may temporarily deny 1376
admittance to any pupil if one of the following applies: 1377

(a) The pupil has been suspended from the schools of another 1378
district under division (A) of this section and the period of 1379
suspension, as established under that division, has not expired; 1380

(b) The pupil has been expelled from the schools of another 1381
district under division (B) of this section and the period of the 1382
expulsion, as established under that division or as extended under 1383
division (F) of this section, has not expired. 1384

If a pupil is temporarily denied admission under this 1385
division, the pupil shall be admitted to school in accordance with 1386
~~section~~ sections 3109.51 to 3109.81, 3313.64, or 3313.65 of the 1387
Revised Code no later than upon expiration of the suspension or 1388
expulsion period, as applicable. 1389

(2) Notwithstanding ~~section~~ sections 3109.51 to 3109.81, 1390
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1391
after offering an opportunity for a hearing, may temporarily deny 1392

admittance to any pupil if the pupil has been expelled or 1393
otherwise removed for disciplinary purposes from a public school 1394
in another state and the period of expulsion or removal has not 1395
expired. If a pupil is temporarily denied admission under this 1396
division, the pupil shall be admitted to school in accordance with 1397
~~section~~ sections 3109.51 to 3109.81, 3313.64, or 3313.65 of the 1398
Revised Code no later than the earlier of the following: 1399

(a) Upon expiration of the expulsion or removal period 1400
imposed by the out-of-state school; 1401

(b) Upon expiration of a period established by the district, 1402
beginning with the date of expulsion or removal from the 1403
out-of-state school, that is no greater than the period of 1404
expulsion that the pupil would have received under the policy 1405
adopted by the district under section 3313.661 of the Revised Code 1406
had the offense that gave rise to the expulsion or removal by the 1407
out-of-state school been committed while the pupil was enrolled in 1408
the district. 1409

(K) As used in this section: 1410

(1) "Permanently exclude" and "permanent exclusion" have the 1411
same meanings as in section 3313.662 of the Revised Code. 1412

(2) "In-school suspension" means the pupil will serve all of 1413
the suspension in a school setting. 1414

Sec. 3313.672. (A)(1) At the time of ~~his~~ initial entry to a 1415
public or nonpublic school, a pupil shall present to the person in 1416
charge of admission any records given ~~him~~ the pupil by the public 1417
or nonpublic elementary or secondary school ~~he~~ the pupil most 1418
recently attended; a certified copy of an order or decree, or 1419
modification of such an order or decree allocating parental rights 1420
and responsibilities for the care of a child and designating a 1421
residential parent and legal custodian of the child, as provided 1422

in division (B) of this section, if that type of order or decree 1423
has been issued; a copy of a power of attorney or caretaker 1424
authorization affidavit, if either has been executed with respect 1425
to the child pursuant to sections 3109.51 to 3109.81 of the 1426
Revised Code; and a certification of birth issued pursuant to 1427
Chapter 3705. of the Revised Code, a comparable certificate or 1428
certification issued pursuant to the statutes of another state, 1429
territory, possession, or nation, or a document in lieu of a 1430
certificate or certification as described in divisions (A)(1)(a) 1431
to (e) of this section. Any of the following shall be accepted in 1432
lieu of a certificate or certification of birth by the person in 1433
charge of admission: 1434

(a) A passport or attested transcript of a passport filed 1435
with a registrar of passports at a point of entry of the United 1436
States showing the date and place of birth of the child; 1437

(b) An attested transcript of the certificate of birth; 1438

(c) An attested transcript of the certificate of baptism or 1439
other religious record showing the date and place of birth of the 1440
child; 1441

(d) An attested transcript of a hospital record showing the 1442
date and place of birth of the child; 1443

(e) A birth affidavit. 1444

(2) Within twenty-four hours of the entry into the school of 1445
a pupil described in division (A)(1) of this section, a school 1446
official shall request the pupil's official records from the 1447
public or nonpublic elementary or secondary school ~~he~~ the pupil 1448
most recently attended. If the public or nonpublic school the 1449
pupil claims to have most recently attended indicates that it has 1450
no record of the pupil's attendance or the records are not 1451
received within fourteen days of the date of request, or if the 1452

pupil does not present a certification of birth described in 1453
division (A)(1) of this section, a comparable certificate or 1454
certification from another state, territory, possession, or 1455
nation, or another document specified in divisions (A)(1)(a) to 1456
(d) of this section, the principal or chief administrative officer 1457
of the school shall notify the law enforcement agency having 1458
jurisdiction in the area where the pupil resides of this fact and 1459
of the possibility that the pupil may be a missing child, as 1460
defined in section 2901.30 of the Revised Code. 1461

(B)(1) Whenever an order or decree allocating parental rights 1462
and responsibilities for the care of a child and designating a 1463
residential parent and legal custodian of the child, including a 1464
temporary order, is issued resulting from an action of divorce, 1465
alimony, annulment, or dissolution of marriage, and the order or 1466
decree pertains to a child who is a pupil in a public or nonpublic 1467
school, the residential parent of the child shall notify the 1468
school of those allocations and designations by providing the 1469
person in charge of admission at the pupil's school with a 1470
certified copy of the order or decree that made the allocation and 1471
designation. Whenever there is a modification of any order or 1472
decree allocating parental rights and responsibilities for the 1473
care of a child and designating a residential parent and legal 1474
custodian of the child that has been submitted to a school, the 1475
residential parent shall provide the person in charge of admission 1476
at the pupil's school with a certified copy of the order or decree 1477
that makes the modification. 1478

(2) Whenever a power of attorney is executed under sections 1479
3109.51 to 3109.62 of the Revised Code that pertains to a child 1480
who is a pupil in a public or nonpublic school, the attorney in 1481
fact shall notify the school of the power of attorney by providing 1482
the person in charge of admission with a copy of the power of 1483
attorney. Whenever a caretaker authorization affidavit is executed 1484

under sections 3109.64 to 3109.73 of the Revised Code that 1485
pertains to a child who is in a public or nonpublic school, the 1486
caretaker under the affidavit shall notify the school of the 1487
affidavit by providing the person in charge of admission with a 1488
copy of the affidavit. 1489

(C) If, at the time of a pupil's initial entry to a public or 1490
nonpublic school, the pupil is under the care of a shelter for 1491
victims of domestic violence, as defined in section 3113.33 of the 1492
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 1493
school of that fact. Upon being so informed, the school shall 1494
inform the elementary or secondary school from which it requests 1495
the pupil's records of that fact. 1496

Section 2. That existing sections 3313.64, 3313.66, and 1497
3313.672 of the Revised Code are hereby repealed. 1498

Section 3. Section 3313.66 of the Revised Code is presented 1499
in this act as a composite of the section as amended by both H.B. 1500
620 and Am. Sub. S.B. 179 of the 123rd General Assembly. The 1501
General Assembly, applying the principle stated in division (B) of 1502
section 1.52 of the Revised Code that amendments are to be 1503
harmonized if reasonably capable of simultaneous operation, finds 1504
that the composite is the resulting version of the section in 1505
effect prior to the effective date of the section as presented in 1506
this act. 1507