

**As Passed by the House**

**125th General Assembly**

**Regular Session**

**2003-2004**

**Am. Sub. H. B. No. 130**

**Representatives Reidelbach, Hagan, McGregor, Kearns, Faber, Otterman,  
Grendell, Williams, S. Patton, Cirelli, Allen, Clancy, Hollister, Gilb,  
Willamowski, Bocchieri, Buehrer, Carano, Carmichael, Cates, Collier, Daniels,  
DeBose, Distel, Domenick, C. Evans, Fessler, Flowers, Gibbs, Hughes,  
Jolivette, Key, Martin, Niehaus, Olman, T. Patton, Price, Schaffer, Setzer,  
G. Smith, J. Stewart, Taylor, Wagner, Widener, Wolpert, Young**

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**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, 3109.65 to 2  
3109.73, 3109.75 to 3109.81, and 3313.649 of the 3  
Revised Code to permit the execution of a power of 4  
attorney or caretaker authorization affidavit 5  
permitting a grandparent with whom a child resides 6  
authority over the care, custody, and control of 7  
the child including the authority to make 8  
decisions regarding school matters and to consent 9  
to the medical, psychological, and dental care for 10  
the child. 11

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

**Section 1.** That sections 3313.64, 3313.66, and 3313.672 be 12  
amended and sections 3109.51, 3109.52, 3109.53, 3109.54, 3109.55, 13  
3109.56, 3109.57, 3109.58, 3109.59, 3109.60, 3109.61, 3109.62, 14  
3109.65, 3109.66, 3109.67, 3109.68, 3109.69, 3109.70, 3109.71, 15  
3109.72, 3109.73, 3109.75, 3109.76, 3109.77, 3109.78, 3109.79, 16

3109.80, 3109.81, and 3313.649 of the Revised Code be enacted to 17  
read as follows: 18

Sec. 3109.51. As used in sections 3109.52 to 3109.81 of the 19  
Revised Code: 20

(A) "Child" means a person under eighteen years of age. 21

(B) "Custodian" means an individual with legal custody of a 22  
child. 23

(C) "Guardian" means an individual granted authority by a 24  
probate court pursuant to Chapter 2111. of the Revised Code to 25  
exercise parental rights over a child to the extent provided in 26  
the court's order and subject to the residual parental rights, 27  
privileges, and responsibilities of the child's parents. 28

(D) "Legal custody" and "residual parental rights, 29  
privileges, and responsibilities" have the same meanings as in 30  
section 2151.011 of the Revised Code. 31

Sec. 3109.52. The parent, guardian, or custodian of a child 32  
may create a power of attorney that grants to a grandparent of the 33  
child with whom the child is residing any of the parent's, 34  
guardian's, or custodian's rights and responsibilities regarding 35  
the care, custody, and control of the child, including the ability 36  
to enroll the child in school, to obtain from the school district 37  
educational and behavioral information about the child, to consent 38  
to all school-related matters regarding the child, and to consent 39  
to medical, psychological, or dental treatment for the child. The 40  
power of attorney may not grant authority to consent to the 41  
marriage or adoption of the child. The power of attorney does not 42  
affect the rights of the parent, guardian, or custodian of the 43  
child in any future proceeding concerning custody of the child or 44  
the allocation of parental rights and responsibilities for the 45

care of the child and does not grant legal custody to the attorney  
in fact.

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Sec. 3109.53. To create a power of attorney under section  
3109.52 of the Revised Code, a parent, guardian, or custodian  
shall use a form that is identical in form and content to the  
following:

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POWER OF ATTORNEY

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I, the undersigned, residing at ....., in the county of  
....., state of ....., hereby appoint the child's  
grandparent, ....., residing at ....., in the county of  
....., in the state of Ohio, with whom the child of whom I  
am the parent, guardian, or custodian is residing, my attorney in  
fact to exercise any and all of my rights and responsibilities  
regarding the care, custody, and control of the child, .....,  
born ....., having social security number (optional)  
....., except my authority to consent to marriage or adoption  
of the child ....., and to perform all acts necessary in the  
execution of the rights and responsibilities hereby granted, as  
fully as I might do if personally present. The rights I am  
transferring under this power of attorney include 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. This  
transfer does not affect my rights in 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.  
This transfer does not terminate my right to have regular contact  
with the child.

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I hereby certify that I am transferring the rights and 76  
responsibilities designated in this power of attorney because one 77  
of the following circumstances exists: 78

(1) I am: (a) Seriously ill, incarcerated or about to be 79  
incarcerated, (b) Temporarily unable to provide financial support 80  
or parental guidance to the child, (c) Temporarily unable to 81  
provide adequate care and supervision of the child because of my 82  
physical or mental condition, (d) Homeless or without a residence 83  
because the current residence is destroyed or otherwise 84  
uninhabitable, or (e) In or about to enter a residential treatment 85  
program for substance abuse; 86

(2) I am a parent of the child, the child's other parent is 87  
deceased, and I have authority to execute the power of attorney; 88  
or 89

(3) I have a well-founded belief that the power of attorney 90  
is in the child's best interest. 91

I hereby certify that I am not transferring my rights and 92  
responsibilities regarding the child for the purpose of enrolling 93  
the child in a school or school district so that the child may 94  
participate in the academic or interscholastic athletic programs 95  
provided by that school or district. 96

I understand that this document does not authorize a child 97  
support enforcement agency to redirect child support payments to 98  
the grandparent designated as attorney in fact. I further 99  
understand that to have an existing child support order modified 100  
or a new child support order issued administrative or judicial 101  
proceedings must be initiated. 102

If there is a court order naming me the residential parent 103  
and legal custodian of the child who is the subject of this power 104  
of attorney and I am the sole parent signing this document, I 105  
hereby certify that one of the following is the case: 106

(1) I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent; 107  
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(2) The other parent is prohibited from receiving a notice of relocation; or 110  
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(3) The parental rights of the other parent have been terminated by order of a juvenile court. 112  
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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 grandparent designated as attorney in fact; (4) this POWER OF ATTORNEY is terminated by court order; (5) the death of the child who is the subject of the power of attorney; or (6) the death of the grandparent designated as the attorney in fact. 114  
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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 UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY UP TO 6 MONTHS IN JAIL, A FINE OF UP TO \$1,000, OR BOTH. 123  
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Witness my hand this ..... day of ....., ..... 127

.....128

Parent/Custodian/Guardian's 129

signature

.....130

Parent's signature 131

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Grandparent designated as 133

attorney in fact

State of Ohio \_\_\_\_\_) 134

) ss: 135  
  
County of ..... ) 136  
  
Subscribed, sworn to, and acknowledged before me this ..... day 137  
of ....., ..... 138  
  
..... 139  
Notary Public 140

Notices: 141

1. A power of attorney may be executed only if 142  
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; or (3) The  
parent, guardian, or custodian has a  
well-founded belief that the power of attorney  
is in the child's best interest.
2. The signatures of the parent, guardian, or 143  
custodian of the child and the grandparent  
designated as the attorney in fact must be  
notarized by an Ohio 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 unless one of the following circumstances applies: (a) the parent is 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; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing 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. 144
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. 145
5. A parent, guardian, or custodian who creates a second or subsequent power of attorney regarding a child who is the subject of a 146

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.

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. 147

7. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 148

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 grandparent who is the attorney in fact; (4) the power of attorney is terminated by court order; (5) the death of the child who is the subject of the power of attorney; or (6) the death of the grandparent designated as the attorney in fact. 149

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact 150



shall notify, in writing, all of the following:

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 151

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 152

(c) The public children services agency in which the power of attorney was filed after its creation; and 153

(d) 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 grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 154

9. If this power of attorney is terminated by written revocation of the person who created it, a copy of that revocation must be filed with the public children services agency the power of attorney was filed with when it was created. If the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must also be filed with the juvenile court with which that power of attorney was filed. 155

Additional information: 156

To the grandparent designated as attorney in fact: 157

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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 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.

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To school officials:

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1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent 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.

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2. The school district may require additional reasonable evidence that the grandparent lives in the school district.

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3. A school district or school official that reasonably and in good faith relies on this

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power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

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1. A person or entity that acts in good faith reliance on a power 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 grandparent designated as attorney in fact are notarized. 165

2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official. 166

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 grandparent 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. 167  
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Sec. 3109.55. (A) 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 174  
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parent and legal custodian of the child unless one of the 177  
following is the case: 178

(1) The parent is prohibited from receiving a notice of 179  
relocation in accordance with section 3109.051 of the Revised 180  
Code. 181

(2) The parent's parental rights have been terminated by 182  
order of a juvenile court pursuant to Chapter 2151. of the Revised 183  
Code. 184

(3) The parent cannot be located with reasonable efforts. 185

(4) The power of attorney is being created by both parents. 186

(B) The notice shall be sent by certified mail not later than 187  
five days after the power of attorney is created. The notice shall 188  
state the name and address of the person designated as the 189  
attorney in fact. 190

Sec. 3109.56. When a parent seeks to create a power of 191  
attorney pursuant to section 3109.52 of the Revised Code, all of 192  
the following apply: 193

(A) The power of attorney shall be executed by both parents 194  
if any of the following apply: 195

(1) The parents are married to each other and are living as 196  
husband and wife. 197

(2) The child is the subject of a shared parenting order 198  
issued pursuant to section 3109.04 of the Revised Code. 199

(3) The child is the subject of a custody order issued 200  
pursuant to section 3109.04 of the Revised Code unless one of the 201  
following is the case: 202

(a) The parent who is not the residential parent and legal 203  
custodian is prohibited from receiving a notice of relocation in 204

<u>accordance with section 3109.051 of the Revised Code.</u>	205
<u>(b) The parental rights of the parent who is not the residential parent and legal custodian have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code.</u>	206 207 208 209
<u>(c) The parent who is not the residential parent and legal custodian cannot be located with reasonable efforts.</u>	210 211
<u>(B) In all other cases, the power of attorney may be executed only by one of the following persons:</u>	212 213
<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>	214 215 216
<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>	217 218 219 220 221
<u><b>Sec. 3109.57.</b> (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>	222 223 224 225 226
<u>(1) The parent, guardian, or custodian of the child is any of the following:</u>	227 228
<u>(a) Seriously ill, incarcerated, or about to be incarcerated;</u>	229
<u>(b) Temporarily unable to provide financial support or parental guidance to the child;</u>	230 231
<u>(c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or</u>	232 233

<u>custodian's physical or mental condition;</u>	234
<u>(d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable;</u>	235
<u>(e) In or about to enter a residential treatment program for substance abuse.</u>	236
<u>(2) The parent, guardian, or custodian of the child has a well-founded belief that the power of attorney is in the child's best interest.</u>	237
<u>(B) In addition to the circumstances described in division (A) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent may execute a power of attorney if the other parent of the child is deceased.</u>	238
<u>Sec. 3109.58. (A) As used in this section, "temporary custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section 2151.011 of the Revised Code.</u>	239
<u>(B) A power of attorney created pursuant to section 3109.52 of the Revised Code may not be executed with respect to a child while any of the following proceedings are pending regarding the child:</u>	240
<u>(1) A proceeding for the appointment of a guardian for, or the adoption of, the child;</u>	241
<u>(2) A juvenile proceeding in which one of the following applies:</u>	242
<u>(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.</u>	243
<u>(b) The child is the subject of an ex parte emergency custody order issued under division (D) of section 2151.31 of the Revised</u>	244

Code, and no hearing has yet been held regarding the child under 263  
division (A) of section 2151.314 of the Revised Code. 264

(c) The child is the subject of a temporary custody order 265  
issued under section 2151.33 of the Revised Code. 266

(3) A proceeding for divorce, dissolution, legal separation, 267  
annulment, or allocation of parental rights and responsibilities 268  
regarding the child. 269

**Sec. 3109.59.** (A) A power of attorney created under section 270  
3109.52 of the Revised Code terminates on the occurrence of 271  
whichever of the following events occurs first: 272

(1) One year elapses following the date the power of attorney 273  
is notarized. 274

(2) The power of attorney is revoked in writing by the person 275  
who created it. 276

(3) The child ceases to reside with the grandparent 277  
designated the attorney in fact. 278

(4) The power of attorney is terminated by court order. 279

(5) The death of the child who is the subject of the power of 280  
attorney. 281

(6) The death of the grandparent designated as the attorney 282  
in fact. 283

(B) Not later than five days after a power of attorney is 284  
terminated pursuant to division (A)(2) of this section, a copy of 285  
the revocation must be filed as follows: 286

(1) With the public children services agency the power of 287  
attorney was filed with pursuant to section 3109.75 of the Revised 288  
Code; 289

(2) If the power of attorney that is the subject of the 290

revocation is a second or subsequent power of attorney, with the 291  
juvenile court the power of attorney is filed with pursuant to 292  
section 3109.77 of the Revised Code. 293

Sec. 3109.60. When a power of attorney created pursuant to 294  
section 3109.52 of the Revised Code terminates pursuant to 295  
division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of section 296  
3109.59 of the Revised Code, the grandparent designated as the 297  
attorney in fact shall notify, in writing, all of the following: 298

(A) The school district in which the child attends school; 299

(B) The child's health care providers; 300

(C) The child's health insurance coverage provider; 301

(D) The public children services agency in which the power of 302  
attorney was filed under section 3109.75 of the Revised Code; 303

(E) The parent who is not the residential parent and legal 304  
custodian and who is required to be given notice under section 305  
3109.55 of the Revised Code; 306

(F) Any other person or entity that has an ongoing 307  
relationship with the child or grandparent such that the person or 308  
entity would reasonably rely on the power of attorney unless 309  
notified of the termination. 310

The grandparent shall make the notifications not later than 311  
one week after the date the power of attorney terminates. 312

Sec. 3109.61. A person who, in good faith, relies on or takes 313  
action in reliance on a power of attorney created under section 314  
3109.52 of the Revised Code is immune from any criminal or civil 315  
liability for injury, death, or loss to persons or property that 316  
might otherwise be incurred or imposed solely as a result of the 317  
person's reliance or action. The person is not subject to any 318  
disciplinary action from an entity that licenses or certifies the 319



person. 320

Any medical, psychological, or dental treatment provided to a 321  
child in reliance on a power of attorney created under section 322  
3109.52 of the Revised Code shall be considered to have been 323  
provided in good faith if the person providing the treatment had 324  
no actual knowledge of opposition by the parent, guardian, or 325  
custodian. 326

This section does not provide immunity from civil or criminal 327  
liability to any person for actions that are wanton, reckless, or 328  
inconsistent with the ordinary standard of care required to be 329  
exercised by anyone acting in the same capacity as the person. 330

**Sec. 3109.62.** A military power of attorney executed pursuant 331  
to section 574(a) of the "National Defense Authorization Act for 332  
Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, that 333  
grants a person's rights and responsibilities regarding the care, 334  
custody, and control of the person's child, including the ability 335  
to enroll the child in school, to obtain from the school district 336  
educational and behavioral information about the child, to consent 337  
to all school-related matters regarding the child, and to consent 338  
to medical, psychological, or dental treatment for the child shall 339  
be considered a power of attorney created pursuant to sections 340  
3109.51 to 3109.61 of the Revised Code, as long as the military 341  
power of attorney, according to its terms, remains in effect. 342

**Sec. 3109.65.** (A) Except as provided in division (B) of this 343  
section, if a child is living with a grandparent who has made 344  
reasonable attempts to locate and contact both of the child's 345  
parents, or the child's guardian or custodian, but has been unable 346  
to do so, the grandparent may obtain authority to exercise care, 347  
custody, and control of the child including authority to enroll 348  
the child in school, to discuss with the school district the 349

child's educational progress, to consent to all school-related 350  
matters regarding the child, and to consent to medical, 351  
psychological, or dental treatment for the child by executing a 352  
caretaker authorization affidavit in accordance with section 353  
3109.67 of the Revised Code. 354

(B) The grandparent may execute a caretaker authorization 355  
affidavit without attempting to locate the following parent: 356

(1) If paternity has not been established with regard to the 357  
child, the child's father. 358

(2) If the child is the subject of a custody order, the 359  
following parent: 360

(a) A parent who is prohibited from receiving a notice of 361  
relocation in accordance with section 3109.051 of the Revised 362  
Code; 363

(b) A parent whose parental rights have been terminated by 364  
order of a juvenile court pursuant to Chapter 2151. of the Revised 365  
Code. 366

**Sec. 3109.66. The caretaker authorization affidavit that a** 367  
**grandparent described in section 3109.65 of the Revised Code may** 368  
**execute shall be identical in form and content to the following:** 369

**CARETAKER AUTHORIZATION AFFIDAVIT** 370

Use of this affidavit is authorized by sections 3109.65 to 3109.73 371  
of the Ohio Revised Code. 372

Completion of items 1-7 and the signing and notarization of this 373  
affidavit is sufficient to authorize the grandparent signing to 374  
exercise care, custody, and control of the child who is its 375  
subject, including authority to enroll the child in school, to 376  
discuss with the school district the child's educational progress, 377  
to consent to all school-related matters regarding the child, and 378

<u>to consent to medical, psychological, or dental treatment for the</u>	379
<u>child.</u>	380
<u>The child named below lives in my home, I am 18 years of age or</u>	381
<u>older, and I am the child's grandparent.</u>	382
1. <u>Name of child:</u>	383
2. <u>Child's date and year of birth:</u>	384
3. <u>Child's social security number (optional):</u>	385
4. <u>My name:</u>	386
5. <u>My home address:</u>	387
6. <u>My date and year of birth:</u>	388
7. <u>My Ohio driver's license number or</u>	389
<u>identification card number:</u>	
8. <u>Despite having made reasonable attempts, I am</u>	390
<u>either:</u>	
<u>(a) Unable to locate or contact the child's</u>	391
<u>parents, or the child's guardian or custodian;</u>	
<u>or</u>	
<u>(b) I am unable to locate or contact one of</u>	392
<u>the child's parents and I am not required to</u>	
<u>contact the other parent because paternity has</u>	
<u>not been established; or</u>	
<u>(c) I am unable to locate or contact one</u>	393
<u>of the child's parents and I am not required</u>	
<u>to contact the other parent because there is a</u>	
<u>custody order regarding the child and one of</u>	
<u>the following is the case:</u>	
<u>(i) The parent has been prohibited from</u>	394
<u>receiving notice of a relocation; or</u>	
<u>(ii) The parental rights of the parent have</u>	395
<u>been terminated.</u>	
9. <u>I hereby certify that this affidavit is not</u>	396
<u>being executed for the purpose of enrolling</u>	

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.

I understand that this document does not  
authorize a child support enforcement agency  
to redirect child support payments. I further  
understand that to have an existing child  
support order modified or a new child support  
order issued administrative or judicial  
proceedings must be initiated.

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE 398  
INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE 399  
REVISED CODE, PUNISHABLE BY UP TO 6 MONTHS IN JAIL, A FINE OF UP 400  
TO \$1,000, OR BOTH. 401

I declare that the foregoing is true and correct: 402

Signed:..... Date:..... 403

Grandparent 404

State of Ohio \_\_\_\_\_ ) 405

) ss: 406

County of .....) 407

Subscribed, sworn to, and acknowledged before me this ..... day 408

of ....., ..... 409

..... 410

Notary Public 411

Notices: 412

1. The grandparent's signature must be notarized 413

by an Ohio notary public.

2. The grandparent who executed this affidavit 414

must file it with the public children services

agency of the county in which the grandparent resides not later than five days after the date it is executed.

3. A grandparent 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 grandparent resides. On filing, the juvenile court will schedule a hearing to determine whether the caretaker authorization affidavit is in the child's best interest. 415
4. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, custody, and control of the child, and does not give the grandparent legal custody of the child. 416
5. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 417
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 grandparent 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 grandparent who signed this affidavit; or (4) the affidavit is terminated by court order; (5) the death of the child who is the subject of the affidavit; or (6) the death of 418

the grandparent who executed the affidavit.  
A parent, guardian, or custodian may negate, 419  
reverse, or disapprove a grandparent's action  
or decision only by delivering written notice  
of negation, reversal, or disapproval to the  
grandparent and the person acting on the  
grandparent's action or decision in reliance  
on this affidavit.

If this affidavit terminates other than by the 420  
death of the grandparent, the grandparent who  
signed this affidavit shall notify, in  
writing, all of the following:

(a) Any schools, health care providers, or 421  
health insurance coverage provider with which  
the child has been involved through the  
grandparent;

(b) Any other person or entity that has an 422  
ongoing relationship with the child or  
grandparent such that the person or entity  
would reasonably rely on the affidavit unless  
notified of the termination;

(c) The public children services agency in 423  
which the affidavit was filed after its  
creation.

The grandparent shall make the 424  
notifications not later than one week after  
the date the affidavit terminates.

7. The decision of a grandparent to consent to or 425  
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.

Additional information:

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To caretakers:

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

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2. 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.

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To school officials:

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1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent 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

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records pertinent to the child.

2. The school district may require additional 432  
reasonable evidence that the grandparent lives  
at the address provided in item 5.

3. A school district or school official that 433  
reasonably and in good faith relies on this  
affidavit has no obligation to make any  
further inquiry or investigation.

4. The act of a parent, guardian, or custodian of 434  
the child to negate, reverse, or otherwise  
disapprove an action or decision of the  
grandparent who signed this affidavit  
constitutes termination of this affidavit. A  
parent, guardian, or custodian may negate,  
reverse, or disapprove a grandparent's action  
or decision only by delivering written notice  
of negation, reversal, or disapproval to the  
grandparent and the person acting on the  
grandparent's action or decision in reliance  
on this affidavit.

To health care providers:

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1. A person or entity that acts in good faith 436  
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 grandparent's signature is  
notarized.



2. The decision of a grandparent, 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. 437

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 438

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 grandparent described in section 3109.65 of the Revised Code, and notarized. 439  
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Sec. 3109.68. (A) As used in this section, "temporary custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section 2151.011 of the Revised Code. 443  
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(B) An affidavit may not be executed with respect to a child 447

while any of the following proceedings are pending regarding the 448  
child: 449

(1) A proceeding for the appointment of a guardian for, or 450  
the adoption of, the child; 451

(2) A juvenile proceeding in which one of the following 452  
applies: 453

(a) The temporary, permanent, or legal custody of the child 454  
or the placement of the child in a planned permanent living 455  
arrangement has been requested. 456

(b) The child is the subject of an ex parte emergency custody 457  
order issued under division (D) of section 2151.31 of the Revised 458  
Code, and no hearing has yet been held regarding the child under 459  
division (A) of section 2151.314 of the Revised Code. 460

(c) The child is the subject of a temporary custody order 461  
issued under section 2151.33 of the Revised Code. 462

(3) A proceeding for divorce, dissolution, legal separation, 463  
annulment, or allocation of parental rights and responsibilities 464  
regarding the child. 465

**Sec. 3109.69.** Once a caretaker authorization affidavit has 466  
been executed under section 3109.67 of the Revised Code, the 467  
grandparent may exercise care, custody, and control of the child, 468  
including enrolling the child in school, discussing with the 469  
school district the child's educational progress, consenting to 470  
all school-related matters regarding the child, and consenting to 471  
medical, psychological, or dental treatment for the child. The 472  
affidavit does not affect the rights and responsibilities of the 473  
parent, guardian, or custodian regarding the child, does not grant 474  
legal custody to the grandparent, and does not grant authority to 475  
the grandparent to consent to the marriage or adoption of the 476  
child. 477

Sec. 3109.70. An executed caretaker authorization affidavit shall terminate on the occurrence of whichever of the following comes first: 478  
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(A) One year elapses following the date the affidavit is notarized. 481  
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(B) The child ceases to reside with the grandparent. 483

(C) The parent, guardian, or custodian of the child who is the subject of the affidavit acts, in accordance with section 3109.72 of the Revised Code, to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed the affidavit with respect to the child. 484  
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(D) The affidavit is terminated by court order. 489

(E) The death of the child who is the subject of the affidavit. 490  
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(F) The death of the grandparent who executed the affidavit. 492

Sec. 3109.71. When a caretaker authorization affidavit terminates pursuant to division (A), (B), (C), (D), or (E) of section 3109.70 of the Revised Code, the grandparent shall notify, in writing, the school district in which the child attends school, the child's health care providers, the child's health insurance coverage provider, the public children services agency in which the affidavit was filed under section 3109.75 of the Revised Code, and any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination. The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 493  
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Sec. 3109.72. The parent, guardian, or custodian of a child 505

may negate, reverse, or otherwise disapprove any action taken or 506  
decision made pursuant to a caretaker authorization affidavit 507  
unless negation, reversal, or disapproval would jeopardize the 508  
life, health, or safety of the child. A parent, guardian, or 509  
custodian may negate, reverse, or disapprove a caretaker's action 510  
or decision only by delivering written notice of negation, 511  
reversal, or disapproval to the caretaker and the person 512  
responding to the caretaker's action or decision in reliance on 513  
the affidavit. The act to negate, reverse, or disapprove the 514  
action or decision, regardless of whether it is effective, 515  
terminates the affidavit. 516

Sec. 3109.73. A person who, in good faith, relies on or takes 517  
action in reliance on a caretaker authorization affidavit is 518  
immune from any criminal or civil liability for injury, death, or 519  
loss to persons or property that might otherwise be incurred or 520  
imposed solely as a result of the reliance or action. The person 521  
is not subject to any disciplinary action from an entity that 522  
licenses or certifies the person. Any medical, psychological, or 523  
dental treatment provided to a child in reliance on an affidavit 524  
with respect to the child shall be considered to have been 525  
provided in good faith if the the person providing the treatment 526  
had no actual knowledge of opposition by the parent, guardian, or 527  
custodian. 528

This section does not provide immunity from civil or criminal 529  
liability to any person for actions that are wanton, reckless, or 530  
inconsistent with the ordinary standard of care required to be 531  
exercised by anyone acting in the same capacity as the person. 532

Sec. 3109.75. A person who creates a power of attorney under 533  
section 3109.52 of the Revised Code or executes a caretaker 534  
authorization affidavit under section 3109.67 of the Revised Code 535

shall file the power of attorney or affidavit with the public 536  
children services agency of the county in which the attorney in 537  
fact or grandparent who executed the affidavit resides. The power 538  
of attorney or affidavit shall be filed not later than five days 539  
after the date it is created or executed. 540

A power of attorney filed under this section shall be 541  
accompanied by a receipt showing that the notice of creation of 542  
the power of attorney was sent to the parent who is not the 543  
residential parent and legal custodian by certified mail under 544  
section 3109.55 of the Revised Code. 545

Sec. 3109.76. On the request of the person in charge of 546  
admissions of a school or a person described under division 547  
(A)(1)(b) of section 2151.421 of the Revised Code, a public 548  
children services agency shall verify whether a power of attorney 549  
of caretaker authorization affidavit has been filed under section 550  
3109.75 of the Revised Code with respect to a child. 551

Sec. 3109.77. If a second or subsequent power of attorney is 552  
created under section 3109.52 of the Revised Code regarding a 553  
child who is the subject of a prior power of attorney or a second 554  
or subsequent caretaker authorization affidavit is executed under 555  
section 3109.67 of the Revised Code regarding a child who is the 556  
subject of a prior affidavit, the person who creates the power of 557  
attorney or executes the affidavit must file it with the juvenile 558  
court of the county in which the grandparent designated as 559  
attorney in fact or the grandparent who executed the affidavit 560  
resides. 561

Sec. 3109.78. (A) On the filing of a power of attorney or 562  
caretaker authorization affidavit under section 3109.77 of the 563  
Revised Code, the juvenile court shall schedule a hearing to 564

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 and to the parent  
who is not the residential parent and legal custodian unless one  
of the following circumstances applies:

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(1) In accordance with section 3109.051 of the Revised Code,  
that parent is not to be given a notice of relocation.

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(2) The parent's parental rights have been terminated by  
order of a juvenile court pursuant to Chapter 2151. of the Revised  
Code.

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(3) The parent cannot be located with reasonable efforts.

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(4) The power of attorney was created by both parents.

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(B) 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 and the parent who is not the  
residential parent and legal custodian may present evidence and be  
represented by counsel.

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(C) At the conclusion of the hearing, the court may take any  
of the following actions that the court determines is in the  
child's best interest:

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(1) Approve the power of attorney or affidavit. If approved,  
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.

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(2) 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

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under section 2151.27 of the Revised Code that the child is a 595  
dependent child. 596

(3) Treat the filing of the power of attorney or affidavit as 597  
a petition for legal custody and award legal custody of the child 598  
to the grandparent designated as the attorney in fact under the 599  
power of attorney or to the grandparent who executed the 600  
affidavit. 601

(D) The court shall conduct a de novo review of any order 602  
issued under division (C) of this section if all of the following 603  
apply regarding the parent who is not the residential parent and 604  
legal custodian: 605

(1) The parent did not appear at the hearing from which the 606  
order was issued. 607

(2) The parent was not represented by counsel at the hearing. 608

(3) The parent filed a motion with the court not later than 609  
fourteen days after receiving notice of the hearing pursuant to 610  
division (A) of this section. 611

**Sec. 3109.79.** (A) No person shall create a power of attorney 612  
under section 3109.52 of the Revised Code or execute a caretaker 613  
authorization affidavit under section 3109.67 of the Revised Code 614  
for the purpose of enrolling the child in a school or school 615  
district so that the child may participate in the academic or 616  
interscholastic athletic programs provided by the school or school 617  
district. 618

(B) A person who violates division (A) of this section is in 619  
violation of section 2921.13 of the Revised Code and is guilty of 620  
falsification, a misdemeanor of the first degree. 621

(C) A power of attorney created, or an affidavit executed, in 622  
violation of this section is void as of the date of its creation 623  
or execution. 624

Sec. 3109.80. As used in this section, "administrative child support order" and "court child support order" have the same meanings as in section 3119.01 of the Revised Code. 625  
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A power of attorney created under section 3109.52 of the Revised Code or a caretaker authorization affidavit executed under section 3109.67 of the Revised Code shall not affect the enforcement of an administrative child support order or court child support order, unless a child support enforcement agency, with respect to an administrative child support order, or a court, with respect to either order, issues an order providing otherwise. 628  
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Sec. 3109.81. Only one power of attorney created under section 3109.52 of the Revised Code or one caretaker authorization executed under section 3109.67 of the Revised Code may be in effect for a child at one time. 635  
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**Sec. 3313.64.** (A) As used in this section and in section 3313.65 of the Revised Code: 639  
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(1) ~~"Parent"~~ (a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, 641  
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privileges, and responsibilities. 655

(b) When a child is the subject of a power of attorney 656  
executed under sections 3109.51 to 3109.62 of the Revised Code, 657  
"parent" means the grandparent designated as attorney in fact 658  
under the power of attorney. When a child is the subject of a 659  
caretaker authorization affidavit executed under sections 3109.64 660  
to 3109.73 of the Revised Code, "parent" means the grandparent 661  
that executed the affidavit. 662

(2) "Legal custody," "permanent custody," and "residual 663  
parental rights, privileges, and responsibilities" have the same 664  
meanings as in section 2151.011 of the Revised Code. 665

(3) "School district" or "district" means a city, local, or 666  
exempted village school district and excludes any school operated 667  
in an institution maintained by the department of youth services. 668

(4) Except as used in division (C)(2) of this section, "home" 669  
means a home, institution, foster home, group home, or other 670  
residential facility in this state that receives and cares for 671  
children, to which any of the following applies: 672

(a) The home is licensed, certified, or approved for such 673  
purpose by the state or is maintained by the department of youth 674  
services. 675

(b) The home is operated by a person who is licensed, 676  
certified, or approved by the state to operate the home for such 677  
purpose. 678

(c) The home accepted the child through a placement by a 679  
person licensed, certified, or approved to place a child in such a 680  
home by the state. 681

(d) The home is a children's home created under section 682  
5153.21 or 5153.36 of the Revised Code. 683

(5) "Agency" means all of the following: 684

- (a) A public children services agency; 685
- (b) An organization that holds a certificate issued by the 686  
Ohio department of job and family services in accordance with the 687  
requirements of section 5103.03 of the Revised Code and assumes 688  
temporary or permanent custody of children through commitment, 689  
agreement, or surrender, and places children in family homes for 690  
the purpose of adoption; 691
- (c) Comparable agencies of other states or countries that 692  
have complied with applicable requirements of section 2151.39, or 693  
sections 5103.20 to 5103.28 of the Revised Code. 694
- (6) A child is placed for adoption if either of the following 695  
occurs: 696
- (a) An agency to which the child has been permanently 697  
committed or surrendered enters into an agreement with a person 698  
pursuant to section 5103.16 of the Revised Code for the care and 699  
adoption of the child. 700
- (b) The child's natural parent places the child pursuant to 701  
section 5103.16 of the Revised Code with a person who will care 702  
for and adopt the child. 703
- (7) "Handicapped preschool child" means a handicapped child, 704  
as defined by division (A) of section 3323.01 of the Revised Code, 705  
who is at least three years of age but is not of compulsory school 706  
age, as defined in section 3321.01 of the Revised Code, and who is 707  
not currently enrolled in kindergarten. 708
- (8) "Child," unless otherwise indicated, includes handicapped 709  
preschool children. 710
- (B) Except as otherwise provided in section 3321.01 of the 711  
Revised Code for admittance to kindergarten and first grade, a 712  
child who is at least five but under twenty-two years of age and 713  
any handicapped preschool child shall be admitted to school as 714

provided in this division. 715

(1) A child shall be admitted to the schools of the school 716  
district in which the child's parent resides. 717

(2) A child who does not reside in the district where the 718  
child's parent resides shall be admitted to the schools of the 719  
district in which the child resides if any of the following 720  
applies: 721

(a) The child is in the legal or permanent custody of a 722  
government agency or a person other than the child's natural or 723  
adoptive parent. 724

(b) The child resides in a home. 725

(c) The child requires special education. 726

(3) A child who is not entitled under division (B)(2) of this 727  
section to be admitted to the schools of the district where the 728  
child resides and who is residing with a resident of this state 729  
with whom the child has been placed for adoption shall be admitted 730  
to the schools of the district where the child resides unless 731  
either of the following applies: 732

(a) The placement for adoption has been terminated. 733

(b) Another school district is required to admit the child 734  
under division (B)(1) of this section. 735

Division (B) of this section does not prohibit the board of 736  
education of a school district from placing a handicapped child 737  
who resides in the district in a special education program outside 738  
of the district or its schools in compliance with Chapter 3323. of 739  
the Revised Code. 740

(C) A district shall not charge tuition for children admitted 741  
under division (B)(1) or (3) of this section. If the district 742  
admits a child under division (B)(2) of this section, tuition 743  
shall be paid to the district that admits the child as follows: 744

(1) If the child receives special education in accordance 745  
with Chapter 3323. of the Revised Code, tuition shall be paid in 746  
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 747  
the Revised Code regardless of who has custody of the child or 748  
whether the child resides in a home. 749

(2) Except as otherwise provided in division (C)(2)(d) of 750  
this section, if the child is in the permanent or legal custody of 751  
a government agency or person other than the child's parent, 752  
tuition shall be paid by: 753

(a) The district in which the child's parent resided at the 754  
time the court removed the child from home or at the time the 755  
court vested legal or permanent custody of the child in the person 756  
or government agency, whichever occurred first; 757

(b) If the parent's residence at the time the court removed 758  
the child from home or placed the child in the legal or permanent 759  
custody of the person or government agency is unknown, tuition 760  
shall be paid by the district in which the child resided at the 761  
time the child was removed from home or placed in legal or 762  
permanent custody, whichever occurred first; 763

(c) If a school district cannot be established under division 764  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 765  
district determined as required by section 2151.357 of the Revised 766  
Code by the court at the time it vests custody of the child in the 767  
person or government agency; 768

(d) If at the time the court removed the child from home or 769  
vested legal or permanent custody of the child in the person or 770  
government agency, whichever occurred first, one parent was in a 771  
residential or correctional facility or a juvenile residential 772  
placement and the other parent, if living and not in such a 773  
facility or placement, was not known to reside in this state, 774  
tuition shall be paid by the district determined under division 775

(D) of section 3313.65 of the Revised Code as the district 776  
required to pay any tuition while the parent was in such facility 777  
or placement. 778

(3) If the child is not in the permanent or legal custody of 779  
a government agency or person other than the child's parent and 780  
the child resides in a home, tuition shall be paid by one of the 781  
following: 782

(a) The school district in which the child's parent resides; 783

(b) If the child's parent is not a resident of this state, 784  
the home in which the child resides. 785

(D) Tuition required to be paid under divisions (C)(2) and 786  
(3)(a) of this section shall be computed in accordance with 787  
section 3317.08 of the Revised Code. Tuition required to be paid 788  
under division (C)(3)(b) of this section shall be computed in 789  
accordance with section 3317.081 of the Revised Code. If a home 790  
fails to pay the tuition required by division (C)(3)(b) of this 791  
section, the board of education providing the education may 792  
recover in a civil action the tuition and the expenses incurred in 793  
prosecuting the action, including court costs and reasonable 794  
attorney's fees. If the prosecuting attorney or city director of 795  
law represents the board in such action, costs and reasonable 796  
attorney's fees awarded by the court, based upon the prosecuting 797  
attorney's, director's, or one of their designee's time spent 798  
preparing and presenting the case, shall be deposited in the 799  
county or city general fund. 800

(E) A board of education may enroll a child free of any 801  
tuition obligation for a period not to exceed sixty days, on the 802  
sworn statement of an adult resident of the district that the 803  
resident has initiated legal proceedings for custody of the child. 804

(F) In the case of any individual entitled to attend school 805  
under this division, no tuition shall be charged by the school 806

district of attendance and no other school district shall be 807  
required to pay tuition for the individual's attendance. 808  
Notwithstanding division (B), (C), or (E) of this section: 809

(1) All persons at least eighteen but under twenty-two years 810  
of age who live apart from their parents, support themselves by 811  
their own labor, and have not successfully completed the high 812  
school curriculum or the individualized education program 813  
developed for the person by the high school pursuant to section 814  
3323.08 of the Revised Code, are entitled to attend school in the 815  
district in which they reside. 816

(2) Any child under eighteen years of age who is married is 817  
entitled to attend school in the child's district of residence. 818

(3) A child is entitled to attend school in the district in 819  
which either of the child's parents is employed if the child has a 820  
medical condition that may require emergency medical attention. 821  
The parent of a child entitled to attend school under division 822  
(F)(3) of this section shall submit to the board of education of 823  
the district in which the parent is employed a statement from the 824  
child's physician certifying that the child's medical condition 825  
may require emergency medical attention. The statement shall be 826  
supported by such other evidence as the board may require. 827

(4) Any child residing with a person other than the child's 828  
parent is entitled, for a period not to exceed twelve months, to 829  
attend school in the district in which that person resides if the 830  
child's parent files an affidavit with the superintendent of the 831  
district in which the person with whom the child is living resides 832  
stating all of the following: 833

(a) That the parent is serving outside of the state in the 834  
armed services of the United States; 835

(b) That the parent intends to reside in the district upon 836  
returning to this state; 837

(c) The name and address of the person with whom the child is 838  
living while the parent is outside the state. 839

(5) Any child under the age of twenty-two years who, after 840  
the death of a parent, resides in a school district other than the 841  
district in which the child attended school at the time of the 842  
parent's death is entitled to continue to attend school in the 843  
district in which the child attended school at the time of the 844  
parent's death for the remainder of the school year, subject to 845  
approval of that district board. 846

(6) A child under the age of twenty-two years who resides 847  
with a parent who is having a new house built in a school district 848  
outside the district where the parent is residing is entitled to 849  
attend school for a period of time in the district where the new 850  
house is being built. In order to be entitled to such attendance, 851  
the parent shall provide the district superintendent with the 852  
following: 853

(a) A sworn statement explaining the situation, revealing the 854  
location of the house being built, and stating the parent's 855  
intention to reside there upon its completion; 856

(b) A statement from the builder confirming that a new house 857  
is being built for the parent and that the house is at the 858  
location indicated in the parent's statement. 859

(7) A child under the age of twenty-two years residing with a 860  
parent who has a contract to purchase a house in a school district 861  
outside the district where the parent is residing and who is 862  
waiting upon the date of closing of the mortgage loan for the 863  
purchase of such house is entitled to attend school for a period 864  
of time in the district where the house is being purchased. In 865  
order to be entitled to such attendance, the parent shall provide 866  
the district superintendent with the following: 867

(a) A sworn statement explaining the situation, revealing the 868

location of the house being purchased, and stating the parent's 869  
intent to reside there; 870

(b) A statement from a real estate broker or bank officer 871  
confirming that the parent has a contract to purchase the house, 872  
that the parent is waiting upon the date of closing of the 873  
mortgage loan, and that the house is at the location indicated in 874  
the parent's statement. 875

The district superintendent shall establish a period of time 876  
not to exceed ninety days during which the child entitled to 877  
attend school under division (F)(6) or (7) of this section may 878  
attend without tuition obligation. A student attending a school 879  
under division (F)(6) or (7) of this section shall be eligible to 880  
participate in interscholastic athletics under the auspices of 881  
that school, provided the board of education of the school 882  
district where the student's parent resides, by a formal action, 883  
releases the student to participate in interscholastic athletics 884  
at the school where the student is attending, and provided the 885  
student receives any authorization required by a public agency or 886  
private organization of which the school district is a member 887  
exercising authority over interscholastic sports. 888

(8) A child whose parent is a full-time employee of a city, 889  
local, or exempted village school district, or of an educational 890  
service center, may be admitted to the schools of the district 891  
where the child's parent is employed, or in the case of a child 892  
whose parent is employed by an educational service center, in the 893  
district that serves the location where the parent's job is 894  
primarily located, provided the district board of education 895  
establishes such an admission policy by resolution adopted by a 896  
majority of its members. Any such policy shall take effect on the 897  
first day of the school year and the effective date of any 898  
amendment or repeal may not be prior to the first day of the 899  
subsequent school year. The policy shall be uniformly applied to 900



all such children and shall provide for the admission of any such 901  
child upon request of the parent. No child may be admitted under 902  
this policy after the first day of classes of any school year. 903

(9) A child who is with the child's parent under the care of 904  
a shelter for victims of domestic violence, as defined in section 905  
3113.33 of the Revised Code, is entitled to attend school free in 906  
the district in which the child is with the child's parent, and no 907  
other school district shall be required to pay tuition for the 908  
child's attendance in that school district. 909

The enrollment of a child in a school district under this 910  
division shall not be denied due to a delay in the school 911  
district's receipt of any records required under section 3313.672 912  
of the Revised Code or any other records required for enrollment. 913  
Any days of attendance and any credits earned by a child while 914  
enrolled in a school district under this division shall be 915  
transferred to and accepted by any school district in which the 916  
child subsequently enrolls. The state board of education shall 917  
adopt rules to ensure compliance with this division. 918

(10) Any child under the age of twenty-two years whose parent 919  
has moved out of the school district after the commencement of 920  
classes in the child's senior year of high school is entitled, 921  
subject to the approval of that district board, to attend school 922  
in the district in which the child attended school at the time of 923  
the parental move for the remainder of the school year and for one 924  
additional semester or equivalent term. A district board may also 925  
adopt a policy specifying extenuating circumstances under which a 926  
student may continue to attend school under division (F)(10) of 927  
this section for an additional period of time in order to 928  
successfully complete the high school curriculum for the 929  
individualized education program developed for the student by the 930  
high school pursuant to section 3323.08 of the Revised Code. 931

(11) As used in this division, "grandparent" means a parent 932

of a parent of a child. A child under the age of twenty-two years 933  
who is in the custody of the child's parent, resides with a 934  
grandparent, and does not require special education is entitled to 935  
attend the schools of the district in which the child's 936  
grandparent resides, provided that, prior to such attendance in 937  
any school year, the board of education of the school district in 938  
which the child's grandparent resides and the board of education 939  
of the school district in which the child's parent resides enter 940  
into a written agreement specifying that good cause exists for 941  
such attendance, describing the nature of this good cause, and 942  
consenting to such attendance. 943

In lieu of a consent form signed by a parent, a board of 944  
education may request the grandparent of a child attending school 945  
in the district in which the grandparent resides pursuant to 946  
division (F)(11) of this section to complete any consent form 947  
required by the district, including any authorization required by 948  
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 949  
Upon request, the grandparent shall complete any consent form 950  
required by the district. A school district shall not incur any 951  
liability solely because of its receipt of a consent form from a 952  
grandparent in lieu of a parent. 953

Division (F)(11) of this section does not create, and shall 954  
not be construed as creating, a new cause of action or substantive 955  
legal right against a school district, a member of a board of 956  
education, or an employee of a school district. This section does 957  
not affect, and shall not be construed as affecting, any 958  
immunities from defenses to tort liability created or recognized 959  
by Chapter 2744. of the Revised Code for a school district, 960  
member, or employee. 961

(12) A child under the age of twenty-two years is entitled to 962  
attend school in a school district other than the district in 963  
which the child is entitled to attend school under division (B), 964

(C), or (E) of this section provided that, prior to such 965  
attendance in any school year, both of the following occur: 966

(a) The superintendent of the district in which the child is 967  
entitled to attend school under division (B), (C), or (E) of this 968  
section contacts the superintendent of another district for 969  
purposes of this division; 970

(b) The superintendents of both districts enter into a 971  
written agreement that consents to the attendance and specifies 972  
that the purpose of such attendance is to protect the student's 973  
physical or mental well-being or to deal with other extenuating 974  
circumstances deemed appropriate by the superintendents. 975

While an agreement is in effect under this division for a 976  
student who is not receiving special education under Chapter 3323. 977  
of the Revised Code and notwithstanding Chapter 3327. of the 978  
Revised Code, the board of education of neither school district 979  
involved in the agreement is required to provide transportation 980  
for the student to and from the school where the student attends. 981

A student attending a school of a district pursuant to this 982  
division shall be allowed to participate in all student 983  
activities, including interscholastic athletics, at the school 984  
where the student is attending on the same basis as any student 985  
who has always attended the schools of that district while of 986  
compulsory school age. 987

(13) All school districts shall comply with the 988  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 989  
seq., for the education of homeless children. Each city, local, 990  
and exempted village school district shall comply with the 991  
requirements of that act governing the provision of a free, 992  
appropriate public education, including public preschool, to each 993  
homeless child. 994

When a child loses permanent housing and becomes a homeless 995

person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 996  
such a homeless person changes temporary living arrangements, the 997  
child's parent or guardian shall have the option of enrolling the 998  
child in either of the following: 999

(a) The child's school of origin, as defined in 42 U.S.C.A. 1000  
11432(g)(3)(C); 1001

(b) The school that is operated by the school district in 1002  
which the shelter where the child currently resides is located and 1003  
that serves the geographic area in which the shelter is located. 1004

(G) A board of education, after approving admission, may 1005  
waive tuition for students who will temporarily reside in the 1006  
district and who are either of the following: 1007

(1) Residents or domiciliaries of a foreign nation who 1008  
request admission as foreign exchange students; 1009

(2) Residents or domiciliaries of the United States but not 1010  
of Ohio who request admission as participants in an exchange 1011  
program operated by a student exchange organization. 1012

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1013  
3327.04, and 3327.06 of the Revised Code, a child may attend 1014  
school or participate in a special education program in a school 1015  
district other than in the district where the child is entitled to 1016  
attend school under division (B) of this section. 1017

(I) This division does not apply to a child receiving special 1018  
education. 1019

A school district required to pay tuition pursuant to 1020  
division (C)(2) or (3) of this section or section 3313.65 of the 1021  
Revised Code shall have an amount deducted under division (F) of 1022  
section 3317.023 of the Revised Code equal to its own tuition rate 1023  
for the same period of attendance. A school district entitled to 1024  
receive tuition pursuant to division (C)(2) or (3) of this section 1025

or section 3313.65 of the Revised Code shall have an amount 1026  
credited under division (F) of section 3317.023 of the Revised 1027  
Code equal to its own tuition rate for the same period of 1028  
attendance. If the tuition rate credited to the district of 1029  
attendance exceeds the rate deducted from the district required to 1030  
pay tuition, the department of education shall pay the district of 1031  
attendance the difference from amounts deducted from all 1032  
districts' payments under division (F) of section 3317.023 of the 1033  
Revised Code but not credited to other school districts under such 1034  
division and from appropriations made for such purpose. The 1035  
treasurer of each school district shall, by the fifteenth day of 1036  
January and July, furnish the superintendent of public instruction 1037  
a report of the names of each child who attended the district's 1038  
schools under divisions (C)(2) and (3) of this section or section 1039  
3313.65 of the Revised Code during the preceding six calendar 1040  
months, the duration of the attendance of those children, the 1041  
school district responsible for tuition on behalf of the child, 1042  
and any other information that the superintendent requires. 1043

Upon receipt of the report the superintendent, pursuant to 1044  
division (F) of section 3317.023 of the Revised Code, shall deduct 1045  
each district's tuition obligations under divisions (C)(2) and (3) 1046  
of this section or section 3313.65 of the Revised Code and pay to 1047  
the district of attendance that amount plus any amount required to 1048  
be paid by the state. 1049

(J) In the event of a disagreement, the superintendent of 1050  
public instruction shall determine the school district in which 1051  
the parent resides. 1052

(K) Nothing in this section requires or authorizes, or shall 1053  
be construed to require or authorize, the admission to a public 1054  
school in this state of a pupil who has been permanently excluded 1055  
from public school attendance by the superintendent of public 1056  
instruction pursuant to sections 3301.121 and 3313.662 of the 1057

Revised Code. 1058

Sec. 3313.649. (A) As used in this section: 1059

(1) "Power of attorney" means a power of attorney created 1060  
under section 3109.52 of the Revised Code. 1061

(2) "Caretaker authorization affidavit" means an affidavit 1062  
executed under section 3109.67 of the Revised Code. 1063

(B) The grandparent who is attorney in fact under a power of 1064  
attorney or the grandparent that executed a caretaker 1065  
authorization affidavit may enroll the child who is the subject of 1066  
the power of attorney or affidavit in a school in the school 1067  
district in which the grandparent resides. Unless another reason 1068  
exists under the Revised Code to exclude the child, the child may 1069  
attend the schools of the school district in which the grandparent 1070  
resides. 1071

**Sec. 3313.66. (A)** Except as provided under division (B)(2) of 1072  
this section, the superintendent of schools of a city, exempted 1073  
village, or local school district, or the principal of a public 1074  
school may suspend a pupil from school for not more than ten 1075  
school days. The board of education of a city, exempted village, 1076  
or local school district may adopt a policy granting assistant 1077  
principals and other administrators the authority to suspend a 1078  
pupil from school for a period of time as specified in the policy 1079  
of the board of education, not to exceed ten school days. If at 1080  
the time a suspension is imposed there are fewer than ten school 1081  
days remaining in the school year in which the incident that gives 1082  
rise to the suspension takes place, the superintendent may apply 1083  
any remaining part or all of the period of the suspension to the 1084  
following school year. Except in the case of a pupil given an 1085  
in-school suspension, no pupil shall be suspended unless prior to 1086  
the suspension such superintendent or principal does both of the 1087

following: 1088

(1) Gives the pupil written notice of the intention to 1089  
suspend the pupil and the reasons for the intended suspension and, 1090  
if the proposed suspension is based on a violation listed in 1091  
division (A) of section 3313.662 of the Revised Code and if the 1092  
pupil is sixteen years of age or older, includes in the notice a 1093  
statement that the superintendent may seek to permanently exclude 1094  
the pupil if the pupil is convicted of or adjudicated a delinquent 1095  
child for that violation; 1096

(2) Provides the pupil an opportunity to appear at an 1097  
informal hearing before the principal, assistant principal, 1098  
superintendent, or superintendent's designee and challenge the 1099  
reason for the intended suspension or otherwise to explain the 1100  
pupil's actions. 1101

(B)(1) Except as provided under division (B)(2), (3), or (4) 1102  
of this section, the superintendent of schools of a city, exempted 1103  
village, or local school district may expel a pupil from school 1104  
for a period not to exceed the greater of eighty school days or 1105  
the number of school days remaining in the semester or term in 1106  
which the incident that gives rise to the expulsion takes place, 1107  
unless the expulsion is extended pursuant to division (F) of this 1108  
section. If at the time an expulsion is imposed there are fewer 1109  
than eighty school days remaining in the school year in which the 1110  
incident that gives rise to the expulsion takes place, the 1111  
superintendent may apply any remaining part or all of the period 1112  
of the expulsion to the following school year. 1113

(2)(a) Unless a pupil is permanently excluded pursuant to 1114  
section 3313.662 of the Revised Code, the superintendent of 1115  
schools of a city, exempted village, or local school district 1116  
shall expel a pupil from school for a period of one year for 1117  
bringing a firearm to a school operated by the board of education 1118

of the district or onto any other property owned or controlled by 1119  
the board, except that the superintendent may reduce this 1120  
requirement on a case-by-case basis in accordance with the policy 1121  
adopted by the board under section 3313.661 of the Revised Code. 1122

(b) The superintendent of schools of a city, exempted 1123  
village, or local school district may expel a pupil from school 1124  
for a period of one year for bringing a firearm to an 1125  
interscholastic competition, an extracurricular event, or any 1126  
other school program or activity that is not located in a school 1127  
or on property that is owned or controlled by the district. The 1128  
superintendent may reduce this disciplinary action on a 1129  
case-by-case basis in accordance with the policy adopted by the 1130  
board under section 3313.661 of the Revised Code. 1131

(c) Any expulsion pursuant to division (B)(2) of this section 1132  
shall extend, as necessary, into the school year following the 1133  
school year in which the incident that gives rise to the expulsion 1134  
takes place. As used in this division, "firearm" has the same 1135  
meaning as provided pursuant to the "Gun-Free Schools Act of 1136  
1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2). 1137

(3) The board of education of a city, exempted village, or 1138  
local school district may adopt a resolution authorizing the 1139  
superintendent of schools to expel a pupil from school for a 1140  
period not to exceed one year for bringing a knife to a school 1141  
operated by the board, onto any other property owned or controlled 1142  
by the board, or to an interscholastic competition, an 1143  
extracurricular event, or any other program or activity sponsored 1144  
by the school district or in which the district is a participant, 1145  
or for possessing a firearm or knife at a school, on any other 1146  
property owned or controlled by the board, or at an 1147  
interscholastic competition, an extracurricular event, or any 1148  
other school program or activity, which firearm or knife was 1149  
initially brought onto school board property by another person. 1150



The resolution may authorize the superintendent to extend such an 1151  
expulsion, as necessary, into the school year following the school 1152  
year in which the incident that gives rise to the expulsion takes 1153  
place. 1154

(4) The board of education of a city, exempted village, or 1155  
local school district may adopt a resolution establishing a policy 1156  
under section 3313.661 of the Revised Code that authorizes the 1157  
superintendent of schools to expel a pupil from school for a 1158  
period not to exceed one year for committing an act that is a 1159  
criminal offense when committed by an adult and that results in 1160  
serious physical harm to persons as defined in division (A)(5) of 1161  
section 2901.01 of the Revised Code or serious physical harm to 1162  
property as defined in division (A)(6) of section 2901.01 of the 1163  
Revised Code while the pupil is at school, on any other property 1164  
owned or controlled by the board, or at an interscholastic 1165  
competition, an extracurricular event, or any other school program 1166  
or activity. Any expulsion under this division shall extend, as 1167  
necessary, into the school year following the school year in which 1168  
the incident that gives rise to the expulsion takes place. 1169

(5) The board of education of any city, exempted village, or 1170  
local school district may adopt a resolution establishing a policy 1171  
under section 3313.661 of the Revised Code that authorizes the 1172  
superintendent of schools to expel a pupil from school for a 1173  
period not to exceed one year for making a bomb threat to a school 1174  
building or to any premises at which a school activity is 1175  
occurring at the time of the threat. Any expulsion under this 1176  
division shall extend, as necessary, into the school year 1177  
following the school year in which the incident that gives rise to 1178  
the expulsion takes place. 1179

(6) No pupil shall be expelled under division (B)(1), (2), 1180  
(3), (4), or (5) of this section unless, prior to the pupil's 1181  
expulsion, the superintendent does both of the following: 1182

(a) Gives the pupil and the pupil's parent, guardian, or 1183  
custodian written notice of the intention to expel the pupil; 1184

(b) Provides the pupil and the pupil's parent, guardian, 1185  
custodian, or representative an opportunity to appear in person 1186  
before the superintendent or the superintendent's designee to 1187  
challenge the reasons for the intended expulsion or otherwise to 1188  
explain the pupil's actions. 1189

The notice required in this division shall include the 1190  
reasons for the intended expulsion, notification of the 1191  
opportunity of the pupil and the pupil's parent, guardian, 1192  
custodian, or representative to appear before the superintendent 1193  
or the superintendent's designee to challenge the reasons for the 1194  
intended expulsion or otherwise to explain the pupil's action, and 1195  
notification of the time and place to appear. The time to appear 1196  
shall not be earlier than three nor later than five school days 1197  
after the notice is given, unless the superintendent grants an 1198  
extension of time at the request of the pupil or the pupil's 1199  
parent, guardian, custodian, or representative. If an extension is 1200  
granted after giving the original notice, the superintendent shall 1201  
notify the pupil and the pupil's parent, guardian, custodian, or 1202  
representative of the new time and place to appear. If the 1203  
proposed expulsion is based on a violation listed in division (A) 1204  
of section 3313.662 of the Revised Code and if the pupil is 1205  
sixteen years of age or older, the notice shall include a 1206  
statement that the superintendent may seek to permanently exclude 1207  
the pupil if the pupil is convicted of or adjudicated a delinquent 1208  
child for that violation. 1209

(7) A superintendent of schools of a city, exempted village, 1210  
or local school district shall initiate expulsion proceedings 1211  
pursuant to this section with respect to any pupil who has 1212  
committed an act warranting expulsion under the district's policy 1213  
regarding expulsion even if the pupil has withdrawn from school 1214

for any reason after the incident that gives rise to the hearing 1215  
but prior to the hearing or decision to impose the expulsion. If, 1216  
following the hearing, the pupil would have been expelled for a 1217  
period of time had the pupil still been enrolled in the school, 1218  
the expulsion shall be imposed for the same length of time as on a 1219  
pupil who has not withdrawn from the school. 1220

(C) If a pupil's presence poses a continuing danger to 1221  
persons or property or an ongoing threat of disrupting the 1222  
academic process taking place either within a classroom or 1223  
elsewhere on the school premises, the superintendent or a 1224  
principal or assistant principal may remove a pupil from 1225  
curricular activities or from the school premises, and a teacher 1226  
may remove a pupil from curricular activities under the teacher's 1227  
supervision, without the notice and hearing requirements of 1228  
division (A) or (B) of this section. As soon as practicable after 1229  
making such a removal, the teacher shall submit in writing to the 1230  
principal the reasons for such removal. 1231

If a pupil is removed under this division from a curricular 1232  
activity or from the school premises, written notice of the 1233  
hearing and of the reason for the removal shall be given to the 1234  
pupil as soon as practicable prior to the hearing, which shall be 1235  
held within three school days from the time the initial removal is 1236  
ordered. The hearing shall be held in accordance with division (A) 1237  
of this section unless it is probable that the pupil may be 1238  
subject to expulsion, in which case a hearing in accordance with 1239  
division (B) of this section shall be held, except that the 1240  
hearing shall be held within three school days of the initial 1241  
removal. The individual who ordered, caused, or requested the 1242  
removal to be made shall be present at the hearing. 1243

If the superintendent or the principal reinstates a pupil in 1244  
a curricular activity under the teacher's supervision prior to the 1245  
hearing following a removal under this division, the teacher, upon 1246

request, shall be given in writing the reasons for such 1247  
reinstatement. 1248

(D) The superintendent or principal, within one school day 1249  
after the time of a pupil's expulsion or suspension, shall notify 1250  
in writing the parent, guardian, or custodian of the pupil and the 1251  
treasurer of the board of education of the expulsion or 1252  
suspension. The notice shall include the reasons for the expulsion 1253  
or suspension, notification of the right of the pupil or the 1254  
pupil's parent, guardian, or custodian to appeal the expulsion or 1255  
suspension to the board of education or to its designee, to be 1256  
represented in all appeal proceedings, to be granted a hearing 1257  
before the board or its designee in order to be heard against the 1258  
suspension or expulsion, and to request that the hearing be held 1259  
in executive session, notification that the expulsion may be 1260  
subject to extension pursuant to division (F) of this section if 1261  
the pupil is sixteen years of age or older, and notification that 1262  
the superintendent may seek the pupil's permanent exclusion if the 1263  
suspension or expulsion was based on a violation listed in 1264  
division (A) of section 3313.662 of the Revised Code that was 1265  
committed when the child was sixteen years of age or older and if 1266  
the pupil is convicted of or adjudicated a delinquent child for 1267  
that violation. 1268

Any superintendent expelling a pupil under this section for 1269  
more than twenty school days or for any period of time if the 1270  
expulsion will extend into the following semester or school year 1271  
shall, in the notice required under this division, provide the 1272  
pupil and the pupil's parent, guardian, or custodian with 1273  
information about services or programs offered by public and 1274  
private agencies that work toward improving those aspects of the 1275  
pupil's attitudes and behavior that contributed to the incident 1276  
that gave rise to the pupil's expulsion. The information shall 1277  
include the names, addresses, and phone numbers of the appropriate 1278

public and private agencies. 1279

(E) A pupil or the pupil's parent, guardian, or custodian may 1280  
appeal the pupil's expulsion by a superintendent or suspension by 1281  
a superintendent, principal, assistant principal, or other 1282  
administrator to the board of education or to its designee. The 1283  
pupil or the pupil's parent, guardian, or custodian may be 1284  
represented in all appeal proceedings and shall be granted a 1285  
hearing before the board or its designee in order to be heard 1286  
against the suspension or expulsion. At the request of the pupil 1287  
or of the pupil's parent, guardian, custodian, or attorney, the 1288  
board or its designee may hold the hearing in executive session 1289  
but shall act upon the suspension or expulsion only at a public 1290  
meeting. The board, by a majority vote of its full membership or 1291  
by the action of its designee, may affirm the order of suspension 1292  
or expulsion, reinstate the pupil, or otherwise reverse, vacate, 1293  
or modify the order of suspension or expulsion. 1294

The board or its designee shall make a verbatim record of 1295  
hearings held under this division. The decisions of the board or 1296  
its designee may be appealed under Chapter 2506. of the Revised 1297  
Code. 1298

This section shall not be construed to require notice and 1299  
hearing in accordance with division (A), (B), or (C) of this 1300  
section in the case of normal disciplinary procedures in which a 1301  
pupil is removed from a curricular activity for a period of less 1302  
than one school day and is not subject to suspension or expulsion. 1303

(F)(1) If a pupil is expelled pursuant to division (B) of 1304  
this section for committing any violation listed in division (A) 1305  
of section 3313.662 of the Revised Code and the pupil was sixteen 1306  
years of age or older at the time of committing the violation, if 1307  
a complaint, indictment, or information is filed alleging that the 1308  
pupil is a delinquent child based upon the commission of the 1309  
violation or the pupil is prosecuted as an adult for the 1310

commission of the violation, and if the resultant juvenile court 1311  
or criminal proceeding is pending at the time that the expulsion 1312  
terminates, the superintendent of schools that expelled the pupil 1313  
may file a motion with the court in which the proceeding is 1314  
pending requesting an order extending the expulsion for the lesser 1315  
of an additional eighty days or the number of school days 1316  
remaining in the school year. Upon the filing of the motion, the 1317  
court immediately shall schedule a hearing and give written notice 1318  
of the time, date, and location of the hearing to the 1319  
superintendent and to the pupil and the pupil's parent, guardian, 1320  
or custodian. At the hearing, the court shall determine whether 1321  
there is reasonable cause to believe that the pupil committed the 1322  
alleged violation that is the basis of the expulsion and, upon 1323  
determining that reasonable cause to believe the pupil committed 1324  
the violation does exist, shall grant the requested extension. 1325

(2) If a pupil has been convicted of or adjudicated a 1326  
delinquent child for a violation listed in division (A) of section 1327  
3313.662 of the Revised Code for an act that was committed when 1328  
the child was sixteen years of age or older, if the pupil has been 1329  
expelled pursuant to division (B) of this section for that 1330  
violation, and if the board of education of the school district of 1331  
the school from which the pupil was expelled has adopted a 1332  
resolution seeking the pupil's permanent exclusion, the 1333  
superintendent may file a motion with the court that convicted the 1334  
pupil or adjudicated the pupil a delinquent child requesting an 1335  
order to extend the expulsion until an adjudication order or other 1336  
determination regarding permanent exclusion is issued by the 1337  
superintendent of public instruction pursuant to section 3301.121 1338  
and division (D) of section 3313.662 of the Revised Code. Upon the 1339  
filing of the motion, the court immediately shall schedule a 1340  
hearing and give written notice of the time, date, and location of 1341  
the hearing to the superintendent of the school district, the 1342  
pupil, and the pupil's parent, guardian, or custodian. At the 1343

hearing, the court shall determine whether there is reasonable 1344  
cause to believe the pupil's continued attendance in the public 1345  
school system may endanger the health and safety of other pupils 1346  
or school employees and, upon making that determination, shall 1347  
grant the requested extension. 1348

(G) The failure of the superintendent or the board of 1349  
education to provide the information regarding the possibility of 1350  
permanent exclusion in the notice required by divisions (A), (B), 1351  
and (D) of this section is not jurisdictional, and the failure 1352  
shall not affect the validity of any suspension or expulsion 1353  
procedure that is conducted in accordance with this section or the 1354  
validity of a permanent exclusion procedure that is conducted in 1355  
accordance with sections 3301.121 and 3313.662 of the Revised 1356  
Code. 1357

(H) With regard to suspensions and expulsions pursuant to 1358  
divisions (A) and (B) of this section by the board of education of 1359  
any city, exempted village, or local school district, this section 1360  
shall apply to any student, whether or not the student is enrolled 1361  
in the district, attending or otherwise participating in any 1362  
curricular program provided in a school operated by the board or 1363  
provided on any other property owned or controlled by the board. 1364

(I) Whenever a student is expelled under this section, the 1365  
expulsion shall result in removal of the student from the 1366  
student's regular school setting. However, during the period of 1367  
the expulsion, the board of education of the school district that 1368  
expelled the student or any board of education admitting the 1369  
student during that expulsion period may provide educational 1370  
services to the student in an alternative setting. 1371

(J)(1) Notwithstanding ~~section~~ sections 3109.51 to 3109.81, 1372  
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1373  
after offering an opportunity for a hearing, may temporarily deny 1374  
admittance to any pupil if one of the following applies: 1375

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

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

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

(2) Notwithstanding ~~section~~ sections 3109.51 to 3109.81, 3313.64 ~~or~~, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if the pupil has been expelled or otherwise removed for disciplinary purposes from a public school in another state and the period of expulsion or removal has not expired. If a pupil is temporarily denied admission under this division, the pupil shall be admitted to school in accordance with ~~section~~ sections 3109.51 to 3109.81, 3313.64, or 3313.65 of the Revised Code no later than the earlier of the following:

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

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



the district. 1407

(K) As used in this section: 1408

(1) "Permanently exclude" and "permanent exclusion" have the 1409  
same meanings as in section 3313.662 of the Revised Code. 1410

(2) "In-school suspension" means the pupil will serve all of 1411  
the suspension in a school setting. 1412

**Sec. 3313.672.** (A)(1) At the time of ~~his~~ initial entry to a 1413  
public or nonpublic school, a pupil shall present to the person in 1414  
charge of admission any records given ~~him~~ the pupil by the public 1415  
or nonpublic elementary or secondary school ~~he~~ the pupil most 1416  
recently attended; a certified copy of an order or decree, or 1417  
modification of such an order or decree allocating parental rights 1418  
and responsibilities for the care of a child and designating a 1419  
residential parent and legal custodian of the child, as provided 1420  
in division (B) of this section, if that type of order or decree 1421  
has been issued; a copy of a power of attorney or caretaker 1422  
authorization affidavit, if either has been executed with respect 1423  
to the child pursuant to sections 3109.51 to 3109.81 of the 1424  
Revised Code; and a certification of birth issued pursuant to 1425  
Chapter 3705. of the Revised Code, a comparable certificate or 1426  
certification issued pursuant to the statutes of another state, 1427  
territory, possession, or nation, or a document in lieu of a 1428  
certificate or certification as described in divisions (A)(1)(a) 1429  
to (e) of this section. Any of the following shall be accepted in 1430  
lieu of a certificate or certification of birth by the person in 1431  
charge of admission: 1432

(a) A passport or attested transcript of a passport filed 1433  
with a registrar of passports at a point of entry of the United 1434  
States showing the date and place of birth of the child; 1435

(b) An attested transcript of the certificate of birth; 1436

(c) An attested transcript of the certificate of baptism or 1437  
other religious record showing the date and place of birth of the 1438  
child; 1439

(d) An attested transcript of a hospital record showing the 1440  
date and place of birth of the child; 1441

(e) A birth affidavit. 1442

(2) Within twenty-four hours of the entry into the school of 1443  
a pupil described in division (A)(1) of this section, a school 1444  
official shall request the pupil's official records from the 1445  
public or nonpublic elementary or secondary school ~~he~~ the pupil 1446  
most recently attended. If the public or nonpublic school the 1447  
pupil claims to have most recently attended indicates that it has 1448  
no record of the pupil's attendance or the records are not 1449  
received within fourteen days of the date of request, or if the 1450  
pupil does not present a certification of birth described in 1451  
division (A)(1) of this section, a comparable certificate or 1452  
certification from another state, territory, possession, or 1453  
nation, or another document specified in divisions (A)(1)(a) to 1454  
(d) of this section, the principal or chief administrative officer 1455  
of the school shall notify the law enforcement agency having 1456  
jurisdiction in the area where the pupil resides of this fact and 1457  
of the possibility that the pupil may be a missing child, as 1458  
defined in section 2901.30 of the Revised Code. 1459

(B)(1) Whenever an order or decree allocating parental rights 1460  
and responsibilities for the care of a child and designating a 1461  
residential parent and legal custodian of the child, including a 1462  
temporary order, is issued resulting from an action of divorce, 1463  
alimony, annulment, or dissolution of marriage, and the order or 1464  
decree pertains to a child who is a pupil in a public or nonpublic 1465  
school, the residential parent of the child shall notify the 1466  
school of those allocations and designations by providing the 1467

person in charge of admission at the pupil's school with a 1468  
certified copy of the order or decree that made the allocation and 1469  
designation. Whenever there is a modification of any order or 1470  
decree allocating parental rights and responsibilities for the 1471  
care of a child and designating a residential parent and legal 1472  
custodian of the child that has been submitted to a school, the 1473  
residential parent shall provide the person in charge of admission 1474  
at the pupil's school with a certified copy of the order or decree 1475  
that makes the modification. 1476

(2) Whenever a power of attorney is executed under sections 1477  
3109.51 to 3109.62 of the Revised Code that pertains to a child 1478  
who is a pupil in a public or nonpublic school, the attorney in 1479  
fact shall notify the school of the power of attorney by providing 1480  
the person in charge of admission with a copy of the power of 1481  
attorney. Whenever a caretaker authorization affidavit is executed 1482  
under sections 3109.64 to 3109.73 of the Revised Code that 1483  
pertains to a child who is in a public or nonpublic school, the 1484  
grandparent who executed the affidavit shall notify the school of 1485  
the affidavit by providing the person in charge of admission with 1486  
a copy of the affidavit. 1487

(C) If, at the time of a pupil's initial entry to a public or 1488  
nonpublic school, the pupil is under the care of a shelter for 1489  
victims of domestic violence, as defined in section 3113.33 of the 1490  
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 1491  
school of that fact. Upon being so informed, the school shall 1492  
inform the elementary or secondary school from which it requests 1493  
the pupil's records of that fact. 1494

**Section 2.** That existing sections 3313.64, 3313.66, and 1495  
3313.672 of the Revised Code are hereby repealed. 1496

**Section 3.** Section 3313.66 of the Revised Code is presented 1497  
in this act as a composite of the section as amended by both H.B. 1498

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