

As Reported by the House Juvenile and Family Law Committee

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 130

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

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 certain persons with whom a child 6
resides authority over the care, custody, and 7
control of the child including the authority to 8
make decisions regarding school matters and to 9
consent to the medical, psychological, and dental 10
care for 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 46
in fact. 47

Sec. 3109.53. To create a power of attorney under section 48
3109.52 of the Revised Code, a parent, guardian, or custodian 49
shall use a form that is identical in form and content to the 50
following: 51

POWER OF ATTORNEY 52

I, the undersigned, residing at, in the county of 53
....., state of, hereby appoint the child's 54
grandparent,, residing at, in the county of 55
....., in the state of Ohio, with whom the child of whom I 56
am the parent, guardian, or custodian is residing, my attorney in 57
fact to exercise any and all of my rights and responsibilities 58
regarding the care, custody, and control of the child,, 59
born, having social security number (optional) 60
....., except my authority to consent to marriage or adoption 61
of the child, and to perform all acts necessary in the 62
execution of the rights and responsibilities hereby granted, as 63
fully as I might do if personally present. The rights I am 64
transferring under this power of attorney include the ability to 65
enroll the child in school, to obtain from the school district 66
educational and behavioral information about the child, to consent 67
to all school-related matters regarding the child, and to consent 68
to medical, psychological, or dental treatment for the child. This 69
transfer does not affect my rights in any future proceedings 70
concerning the custody of the child or the allocation of the 71
parental rights and responsibilities for the care of the child and 72
does not give the attorney in fact legal custody of the child. 73
This transfer does not terminate my right to have regular contact 74
with the child. 75

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 107
notice of the creation of this power of attorney to the other 108
parent and have been unable to locate that parent; 109

(2) The other parent is prohibited from receiving a notice of 110
relocation; or 111

(3) The parental rights of the other parent have been 112
terminated by order of a juvenile court. 113

This POWER OF ATTORNEY is valid until the occurrence of 114
whichever of the following events occurs first: (1) one year 115
elapses following the date this POWER OF ATTORNEY is notarized; 116
(2) I revoke this POWER OF ATTORNEY in writing; (3) the child 117
ceases to reside with the grandparent designated as attorney in 118
fact; (4) this POWER OF ATTORNEY is terminated by court order; (5) 119
the death of the child who is the subject of the power of 120
attorney; or (6) the death of the grandparent designated as the 121
attorney in fact. 122

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 123
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 124
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY UP 125
TO 6 MONTHS IN JAIL, A FINE OF UP TO \$1,000, OR BOTH. 126

Witness my hand this day of, 127

.....128

Parent/Custodian/Guardian's 129

signature

.....130

Parent's signature 131

.....132

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
<u>Notary Public</u>	140
<u>Notices:</u>	141
1. <u>A power of attorney may be executed only if</u>	142
<u>one of the following circumstances exists: (1)</u>	
<u>The parent, guardian, or custodian of the</u>	
<u>child is: (a) Seriously ill, incarcerated or</u>	
<u>about to be incarcerated; (b) Temporarily</u>	
<u>unable to provide financial support or</u>	
<u>parental guidance to the child; (c)</u>	
<u>Temporarily unable to provide adequate care</u>	
<u>and supervision of the child because of the</u>	
<u>parent's, guardian's, or custodian's physical</u>	
<u>or mental condition; (d) Homeless or without a</u>	
<u>residence because the current residence is</u>	
<u>destroyed or otherwise uninhabitable; or (e)</u>	
<u>In or about to enter a residential treatment</u>	
<u>program for substance abuse; (2) One of the</u>	
<u>child's parents is deceased and the other</u>	
<u>parent, with authority to do so, seeks to</u>	
<u>execute a power of attorney; or (3) The</u>	
<u>parent, guardian, or custodian has a</u>	
<u>well-founded belief that the power of attorney</u>	
<u>is in the child's best interest.</u>	
2. <u>The signatures of the parent, guardian, or</u>	143
<u>custodian of the child and the grandparent</u>	
<u>designated as the attorney in fact must be</u>	
<u>notarized by an Ohio notary public.</u>	
3. <u>A parent, guardian, or custodian who creates a</u>	144
<u>power of attorney must notify the parent of</u>	
<u>the child who is not the residential parent</u>	

and legal custodian of the child and who is not prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

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 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. 146
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 147

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.

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 shall notify, in writing, all of the following: 150

(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 152

attorney unless notified of the termination;

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

(d) The parent who is not the residential 154
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.

9. If this power of attorney is terminated by 155
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.

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 159
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.

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. 161
2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 162
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 163

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 165

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.

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

Sec. 3109.54. A power of attorney created pursuant to section 167
3109.52 of the Revised Code must be signed by the parent, 168
guardian, or custodian granting it and by the grandparent 169
designated as the attorney in fact. For the power of attorney to 170
be effective, the signatures must be notarized. The child's social 171
security number need not appear on the power of attorney for the 172
power of attorney to be effective. 173

Sec. 3109.55. (A) A person who creates a power of attorney 174
under section 3109.52 of the Revised Code shall send notice of the 175
creation to the parent of the child who is not the residential 176
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

<u>(3) The parent cannot be located with reasonable efforts.</u>	185
<u>(B) The notice shall be sent by certified mail not later than</u>	186
<u>five days after the power of attorney is created. The notice shall</u>	187
<u>state the name and address of the person designated as the</u>	188
<u>attorney in fact.</u>	189
<u>Sec. 3109.56. When a parent seeks to create a power of</u>	190
<u>attorney pursuant to section 3109.52 of the Revised Code, all of</u>	191
<u>the following apply:</u>	192
<u>(A) The power of attorney shall be executed by both parents</u>	193
<u>if any of the following apply:</u>	194
<u>(1) The parents are married to each other and are living as</u>	195
<u>husband and wife.</u>	196
<u>(2) The child is the subject of a shared parenting order</u>	197
<u>issued pursuant to section 3109.04 of the Revised Code.</u>	198
<u>(3) The child is the subject of a custody order issued</u>	199
<u>pursuant to section 3109.04 of the Revised Code unless one of the</u>	200
<u>following is the case:</u>	201
<u>(a) The parent who is not the residential parent and legal</u>	202
<u>custodian is prohibited from receiving a notice of relocation in</u>	203
<u>accordance with section 3109.051 of the Revised Code.</u>	204
<u>(b) The parental rights of the parent who is not the</u>	205
<u>residential parent and legal custodian have been terminated by</u>	206
<u>order of a juvenile court pursuant to Chapter 2151. of the Revised</u>	207
<u>Code.</u>	208
<u>(c) The parent who is not the residential parent and legal</u>	209
<u>custodian cannot be located with reasonable efforts.</u>	210
<u>(B) In all other cases, the power of attorney may be executed</u>	211
<u>only by one of the following persons:</u>	212
<u>(1) The parent who is the residential parent and legal</u>	213

custodian of the child, as determined by court order or as 214
provided in section 3109.042 of the Revised Code; 215

(2) The parent with whom the child is residing the majority 216
of the school year in cases in which no court has issued an order 217
designating a parent as the residential parent and legal custodian 218
of the child or section 3109.042 of the Revised Code is not 219
applicable. 220

Sec. 3109.57. (A) Except as provided in division (B) of this 221
section and subject to sections 3109.56 and 3109.58 of the Revised 222
Code, a parent, guardian, or custodian may create a power of 223
attorney under section 3109.52 of the Revised Code only under the 224
following circumstances: 225

(1) The parent, guardian, or custodian of the child is any of 226
the following: 227

(a) Seriously ill, incarcerated, or about to be incarcerated; 228

(b) Temporarily unable to provide financial support or 229
parental guidance to the child; 230

(c) Temporarily unable to provide adequate care and 231
supervision of the child because of the parent's, guardian's, or 232
custodian's physical or mental condition; 233

(d) Homeless or without a residence because the current 234
residence is destroyed or otherwise uninhabitable; 235

(e) In or about to enter a residential treatment program for 236
substance abuse. 237

(2) The parent, guardian, or custodian of the child has a 238
well-founded belief that the power of attorney is in the child's 239
best interest. 240

(B) In addition to the circumstances described in division 241
(A) of this section and subject to sections 3109.56 and 3109.58 of 242

the Revised Code, a parent may execute a power of attorney if the 243
other parent of the child is deceased. 244

Sec. 3109.58. (A) As used in this section, "temporary 245
custody," "permanent custody," and "planned permanent living 246
arrangement" have the same meanings as in section 2151.011 of the 247
Revised Code. 248

(B) A power of attorney created pursuant to section 3109.52 249
of the Revised Code may not be executed with respect to a child 250
while any of the following proceedings are pending regarding the 251
child: 252

(1) A proceeding for the appointment of a guardian for, or 253
the adoption of, the child; 254

(2) A juvenile proceeding in which one of the following 255
applies: 256

(a) The temporary, permanent, or legal custody of the child 257
or the placement of the child in a planned permanent living 258
arrangement has been requested. 259

(b) The child is the subject of an ex parte emergency custody 260
order issued under division (D) of section 2151.31 of the Revised 261
Code, and no hearing has yet been held regarding the child under 262
division (A) of section 2151.314 of the Revised Code. 263

(c) The child is the subject of a temporary custody order 264
issued under section 2151.33 of the Revised Code. 265

(3) A proceeding for divorce, dissolution, legal separation, 266
annulment, or allocation of parental rights and responsibilities 267
regarding the child. 268

Sec. 3109.59. (A) A power of attorney created under section 269
3109.52 of the Revised Code terminates on the occurrence of 270
whichever of the following events occurs first: 271

<u>(1) One year elapses following the date the power of attorney is notarized.</u>	272
	273
<u>(2) The power of attorney is revoked in writing by the person who created it.</u>	274
	275
<u>(3) The child ceases to reside with the grandparent designated the attorney in fact.</u>	276
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<u>(4) The power of attorney is terminated by court order.</u>	278
<u>(5) The death of the child who is the subject of the power of attorney.</u>	279
	280
<u>(6) The death of the grandparent designated as the attorney in fact.</u>	281
	282
<u>(B) Not later than five days after a power of attorney is terminated pursuant to division (A)(2) of this section, a copy of the revocation must be filed as follows:</u>	283
	284
	285
<u>(1) With the public children services agency the power of attorney was filed with pursuant to section 3109.75 of the Revised Code;</u>	286
	287
	288
<u>(2) If the power of attorney that is the subject of the revocation is a second or subsequent power of attorney, with the juvenile court the power of attorney is filed with pursuant to section 3109.77 of the Revised Code.</u>	289
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	291
	292
<u>Sec. 3109.60. When a power of attorney created pursuant to section 3109.52 of the Revised Code terminates pursuant to division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of section 3109.59 of the Revised Code, the grandparent designated as the attorney in fact shall notify, in writing, all of the following:</u>	293
	294
	295
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<u>(A) The school district in which the child attends school;</u>	298
<u>(B) The child's health care providers;</u>	299

<u>(C) The child's health insurance coverage provider;</u>	300
<u>(D) The public children services agency in which the power of attorney was filed under section 3109.75 of the Revised Code;</u>	301 302
<u>(E) The parent who is not the residential parent and legal custodian and who is required to be given notice under section 3109.55 of the Revised Code;</u>	303 304 305
<u>(F) 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 power of attorney unless notified of the termination.</u>	306 307 308 309
<u>The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.</u>	310 311
<u>Sec. 3109.61.</u> <u>A person who, in good faith, relies on or takes action in reliance on a power of attorney created under section 3109.52 of the Revised Code is immune from any criminal or civil liability for injury, death, or loss to persons or property that might otherwise be incurred or imposed solely as a result of the person's reliance or action. The person is not subject to any disciplinary action from an entity that licenses or certifies the person.</u>	312 313 314 315 316 317 318 319
<u>Any medical, psychological, or dental treatment provided to a child in reliance on a power of attorney created under section 3109.52 of the Revised Code shall be considered to have been provided in good faith if the person providing the treatment had no actual knowledge of opposition by the parent, guardian, or custodian.</u>	320 321 322 323 324 325
<u>This section does not provide immunity from civil or criminal liability to any person for actions that are wanton, reckless, or inconsistent with the ordinary standard of care required to be exercised by anyone acting in the same capacity as the person.</u>	326 327 328 329

Sec. 3109.62. A military power of attorney executed pursuant 330
to section 574(a) of the "National Defense Authorization Act for 331
Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, that 332
grants a person's rights and responsibilities regarding the care, 333
custody, and control of the person's child, including the ability 334
to enroll the child in school, to obtain from the school district 335
educational and behavioral information about the child, to consent 336
to all school-related matters regarding the child, and to consent 337
to medical, psychological, or dental treatment for the child shall 338
be considered a power of attorney created pursuant to sections 339
3109.51 to 3109.61 of the Revised Code, as long as the military 340
power of attorney, according to its terms, remains in effect. 341

Sec. 3109.65. (A) Except as provided in division (B) of this 342
section, if a child is living with a grandparent who has made 343
reasonable attempts to locate and contact both of the child's 344
parents, or the child's guardian or custodian, but has been unable 345
to do so, the grandparent may obtain authority to exercise care, 346
custody, and control of the child including authority to enroll 347
the child in school, to discuss with the school district the 348
child's educational progress, to consent to all school-related 349
matters regarding the child, and to consent to medical, 350
psychological, or dental treatment for the child by executing a 351
caretaker authorization affidavit in accordance with section 352
3109.67 of the Revised Code. 353

(B) The grandparent may execute a caretaker authorization 354
affidavit without attempting to locate the following parent: 355

(1) If paternity has not been established with regard to the 356
child, the child's father. 357

(2) If the child is the subject of a custody order, the 358
following parent: 359

(a) A parent who is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code; 360
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362

(b) A parent whose parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code. 363
364
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Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following: 366
367
368

CARETAKER AUTHORIZATION AFFIDAVIT 369

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code. 370
371

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. 372
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The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent. 380
381

1. Name of child: 382
2. Child's date and year of birth: 383
3. Child's social security number (optional): 384
4. My name: 385
5. My home address: 386
6. My date and year of birth: 387
7. My Ohio driver's license number or identification card number: 388

8. Despite having made reasonable attempts, I am 389
either:

(a) Unable to locate or contact the child's 390
parents, or the child's guardian or custodian;
or

(b) I am unable to locate or contact one of 391
the child's parents and I am not required to
contact the other parent because paternity has
not been established; or

(c) I am unable to locate or contact one 392
of the child's parents and I am not required
to contact the other parent because there is a
custody order regarding the child and one of
the following is the case:

(i) The parent has been prohibited from 393
receiving notice of a relocation; or

(ii) The parental rights of the parent have 394
been terminated.

9. I hereby certify that this affidavit is not 395
being executed for the purpose of enrolling
the child in a school or school district so
that the child may participate in the academic
or interscholastic athletic programs provided
by that school or district.

I understand that this document does not 396
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 397

INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE 398

<u>REVISED CODE, PUNISHABLE BY UP TO 6 MONTHS IN JAIL, A FINE OF UP</u>	399
<u>TO \$1,000, OR BOTH.</u>	400
<u>I declare that the foregoing is true and correct:</u>	401
<u>Signed:..... Date:.....</u>	402
<u>Grandparent</u>	403
<u>State of Ohio)</u>	404
<u>) ss:</u>	405
<u>County of)</u>	406
<u>Subscribed, sworn to, and acknowledged before me this day</u>	407
<u>of/.....</u>	408
<u>..... 409</u>	
<u>Notary Public</u>	410
<u>Notices:</u>	411
<u>1. The grandparent's signature must be notarized</u>	412
<u>by an Ohio notary public.</u>	
<u>2. The grandparent who executed this affidavit</u>	413
<u>must file it with the public children services</u>	
<u>agency of the county in which the grandparent</u>	
<u>resides not later than five days after the</u>	
<u>date it is executed.</u>	
<u>3. A grandparent who executes a second or</u>	414
<u>subsequent caretaker authorization affidavit</u>	
<u>regarding a child who is the subject of a</u>	
<u>prior caretaker authorization affidavit must</u>	
<u>file the affidavit with the juvenile court of</u>	
<u>the county in which the grandparent resides.</u>	
<u>On filing, the juvenile court will schedule a</u>	
<u>hearing to determine whether the caretaker</u>	
<u>authorization affidavit is in the child's best</u>	
<u>interest.</u>	

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. 415

5. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 416

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 the grandparent who executed the affidavit. 417

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. 418

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 419

(a) Any schools, health care providers, or 420

health insurance coverage provider with which the child has been involved through the grandparent;

(b) 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; 421

(c) The public children services agency in which the affidavit was filed after its creation. 422

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 423

7. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 424

Additional information: 425

To caretakers: 426

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 427

reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

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. 428

To school officials: 429

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 records pertinent to the child. 430

2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5. 431

3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 432

4. 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 433

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 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. 435

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. 436

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the 437

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.

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. 438
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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. 442
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(B) An affidavit may not be executed with respect to a child while any of the following proceedings are pending regarding the child: 446
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(1) A proceeding for the appointment of a guardian for, or the adoption of, the child; 449
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(2) A juvenile proceeding in which one of the following applies: 451
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(a) The temporary, permanent, or legal custody of the child or the placement of the child in a planned permanent living arrangement has been requested. 453
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(b) The child is the subject of an ex parte emergency custody order issued under division (D) of section 2151.31 of the Revised Code, and no hearing has yet been held regarding the child under 456
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division (A) of section 2151.314 of the Revised Code.

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

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

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

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

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

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(B) The child ceases to reside with the grandparent.

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(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.

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<u>(D) The affidavit is terminated by court order.</u>	488
<u>(E) The death of the child who is the subject of the affidavit.</u>	489 490
<u>(F) The death of the grandparent who executed the affidavit.</u>	491
<u>Sec. 3109.71.</u> <u>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.</u>	492 493 494 495 496 497 498 499 500 501 502 503
<u>Sec. 3109.72.</u> <u>The parent, guardian, or custodian of a child may negate, reverse, or otherwise disapprove any action taken or decision made pursuant to a caretaker authorization affidavit unless negation, reversal, or disapproval would jeopardize the life, health, or safety of the child. A parent, guardian, or custodian may negate, reverse, or disapprove a caretaker's action or decision only by delivering written notice of negation, reversal, or disapproval to the caretaker and the person responding to the caretaker's action or decision in reliance on the affidavit. The act to negate, reverse, or disapprove the action or decision, regardless of whether it is effective, terminates the affidavit.</u>	504 505 506 507 508 509 510 511 512 513 514 515
<u>Sec. 3109.73.</u> <u>A person who, in good faith, relies on or takes</u>	516

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

This section does not provide immunity from civil or criminal 528
liability to any person for actions that are wanton, reckless, or 529
inconsistent with the ordinary standard of care required to be 530
exercised by anyone acting in the same capacity as the person. 531

Sec. 3109.75. A person who creates a power of attorney under 532
section 3109.52 of the Revised Code or executes a caretaker 533
authorization affidavit under section 3109.67 of the Revised Code 534
shall file the power of attorney or affidavit with the public 535
children services agency of the county in which the attorney in 536
fact or qualified relative resides. The power of attorney or 537
affidavit shall be filed not later than five days after the date 538
it is created or executed. 539

A power of attorney filed under this section shall be 540
accompanied by a receipt showing that the notice of creation of 541
the power of attorney was sent to the parent who is not the 542
residential parent and legal custodian by certified mail under 543
section 3109.55 of the Revised Code. 544

Sec. 3109.76. On the request of the person in charge of 545
admissions of a school or a person described under division 546

(A)(1)(b) of section 2151.421 of the Revised Code, a public 547
children services agency shall verify whether a power of attorney 548
of caretaker authorization affidavit has been filed under section 549
3109.75 of the Revised Code with respect to a child. 550

Sec. 3109.77. If a second or subsequent power of attorney is 551
created under section 3109.52 of the Revised Code regarding a 552
child who is the subject of a prior power of attorney or a second 553
or subsequent caretaker authorization affidavit is executed under 554
section 3109.67 of the Revised Code regarding a child who is the 555
subject of a prior affidavit, the person who creates the power of 556
attorney or executes the affidavit must file it with the juvenile 557
court of the county in which the grandparent designated as 558
attorney in fact or the grandparent who executed the affidavit 559
resides. 560

Sec. 3109.78. (A) On the filing of a power of attorney or 561
caretaker authorization affidavit under section 3109.77 of the 562
Revised Code, the juvenile court shall schedule a hearing to 563
determine whether the power of attorney or affidavit is in the 564
child's best interest. The court shall provide notice of the date, 565
time, and location of the hearing to the parties and to the parent 566
who is not the residential parent and legal custodian unless, in 567
accordance with section 3109.051 of the Revised Code, that parent 568
is not to be given a notice of relocation. 569

(B) The hearing shall be held not later than ten days after 570
the date the power of attorney or affidavit was filed with the 571
court. At the hearing, the parties and the parent who is not the 572
residential parent and legal custodian may present evidence and be 573
represented by counsel. 574

(C) At the conclusion of the hearing, the court may take any 575
of the following actions that the court determines is in the 576

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

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

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

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

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

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

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Sec. 3109.79. (A) No person shall create a power of attorney
under section 3109.52 of the Revised Code or execute a caretaker

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authorization affidavit under section 3109.67 of the Revised Code for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by the school or school district.

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

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

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Sec. 3109.80. As used in this section, "administrative child support order" and "court child support order" have the same meanings as in section 3119.01 of the Revised Code.

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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.

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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.

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

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(1) ~~"Parent"~~ (a) Except as provided in division (A)(1)(b) of

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this section, "parent" means either parent, unless the parents are 635
separated or divorced or their marriage has been dissolved or 636
annulled, in which case "parent" means the parent who is the 637
residential parent and legal custodian of the child. When a child 638
is in the legal custody of a government agency or a person other 639
than the child's natural or adoptive parent, "parent" means the 640
parent with residual parental rights, privileges, and 641
responsibilities. When a child is in the permanent custody of a 642
government agency or a person other than the child's natural or 643
adoptive parent, "parent" means the parent who was divested of 644
parental rights and responsibilities for the care of the child and 645
the right to have the child live with the parent and be the legal 646
custodian of the child and all residual parental rights, 647
privileges, and responsibilities. 648

(b) When a child is the subject of a power of attorney 649
executed under sections 3109.51 to 3109.62 of the Revised Code, 650
"parent" means the grandparent designated as attorney in fact 651
under the power of attorney. When a child is the subject of a 652
caretaker authorization affidavit executed under sections 3109.64 653
to 3109.73 of the Revised Code, "parent" means the grandparent 654
that executed the affidavit. 655

(2) "Legal custody," "permanent custody," and "residual 656
parental rights, privileges, and responsibilities" have the same 657
meanings as in section 2151.011 of the Revised Code. 658

(3) "School district" or "district" means a city, local, or 659
exempted village school district and excludes any school operated 660
in an institution maintained by the department of youth services. 661

(4) Except as used in division (C)(2) of this section, "home" 662
means a home, institution, foster home, group home, or other 663
residential facility in this state that receives and cares for 664
children, to which any of the following applies: 665

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

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

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

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

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

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

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

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

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

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care

for and adopt the child. 696

(7) "Handicapped preschool child" means a handicapped child, 697
as defined by division (A) of section 3323.01 of the Revised Code, 698
who is at least three years of age but is not of compulsory school 699
age, as defined in section 3321.01 of the Revised Code, and who is 700
not currently enrolled in kindergarten. 701

(8) "Child," unless otherwise indicated, includes handicapped 702
preschool children. 703

(B) Except as otherwise provided in section 3321.01 of the 704
Revised Code for admittance to kindergarten and first grade, a 705
child who is at least five but under twenty-two years of age and 706
any handicapped preschool child shall be admitted to school as 707
provided in this division. 708

(1) A child shall be admitted to the schools of the school 709
district in which the child's parent resides. 710

(2) A child who does not reside in the district where the 711
child's parent resides shall be admitted to the schools of the 712
district in which the child resides if any of the following 713
applies: 714

(a) The child is in the legal or permanent custody of a 715
government agency or a person other than the child's natural or 716
adoptive parent. 717

(b) The child resides in a home. 718

(c) The child requires special education. 719

(3) A child who is not entitled under division (B)(2) of this 720
section to be admitted to the schools of the district where the 721
child resides and who is residing with a resident of this state 722
with whom the child has been placed for adoption shall be admitted 723
to the schools of the district where the child resides unless 724
either of the following applies: 725

(a) The placement for adoption has been terminated.	726
(b) Another school district is required to admit the child under division (B)(1) of this section.	727 728
Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	729 730 731 732 733
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:	734 735 736 737
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	738 739 740 741 742
(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:	743 744 745 746
(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;	747 748 749 750
(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or	751 752 753 754 755

permanent custody, whichever occurred first; 756

(c) If a school district cannot be established under division 757
(C)(2)(a) or (b) of this section, tuition shall be paid by the 758
district determined as required by section 2151.357 of the Revised 759
Code by the court at the time it vests custody of the child in the 760
person or government agency; 761

(d) If at the time the court removed the child from home or 762
vested legal or permanent custody of the child in the person or 763
government agency, whichever occurred first, one parent was in a 764
residential or correctional facility or a juvenile residential 765
placement and the other parent, if living and not in such a 766
facility or placement, was not known to reside in this state, 767
tuition shall be paid by the district determined under division 768
(D) of section 3313.65 of the Revised Code as the district 769
required to pay any tuition while the parent was in such facility 770
or placement. 771

(3) If the child is not in the permanent or legal custody of 772
a government agency or person other than the child's parent and 773
the child resides in a home, tuition shall be paid by one of the 774
following: 775

(a) The school district in which the child's parent resides; 776

(b) If the child's parent is not a resident of this state, 777
the home in which the child resides. 778

(D) Tuition required to be paid under divisions (C)(2) and 779
(3)(a) of this section shall be computed in accordance with 780
section 3317.08 of the Revised Code. Tuition required to be paid 781
under division (C)(3)(b) of this section shall be computed in 782
accordance with section 3317.081 of the Revised Code. If a home 783
fails to pay the tuition required by division (C)(3)(b) of this 784
section, the board of education providing the education may 785
recover in a civil action the tuition and the expenses incurred in 786

prosecuting the action, including court costs and reasonable 787
attorney's fees. If the prosecuting attorney or city director of 788
law represents the board in such action, costs and reasonable 789
attorney's fees awarded by the court, based upon the prosecuting 790
attorney's, director's, or one of their designee's time spent 791
preparing and presenting the case, shall be deposited in the 792
county or city general fund. 793

(E) A board of education may enroll a child free of any 794
tuition obligation for a period not to exceed sixty days, on the 795
sworn statement of an adult resident of the district that the 796
resident has initiated legal proceedings for custody of the child. 797

(F) In the case of any individual entitled to attend school 798
under this division, no tuition shall be charged by the school 799
district of attendance and no other school district shall be 800
required to pay tuition for the individual's attendance. 801
Notwithstanding division (B), (C), or (E) of this section: 802

(1) All persons at least eighteen but under twenty-two years 803
of age who live apart from their parents, support themselves by 804
their own labor, and have not successfully completed the high 805
school curriculum or the individualized education program 806
developed for the person by the high school pursuant to section 807
3323.08 of the Revised Code, are entitled to attend school in the 808
district in which they reside. 809

(2) Any child under eighteen years of age who is married is 810
entitled to attend school in the child's district of residence. 811

(3) A child is entitled to attend school in the district in 812
which either of the child's parents is employed if the child has a 813
medical condition that may require emergency medical attention. 814
The parent of a child entitled to attend school under division 815
(F)(3) of this section shall submit to the board of education of 816
the district in which the parent is employed a statement from the 817

child's physician certifying that the child's medical condition 818
may require emergency medical attention. The statement shall be 819
supported by such other evidence as the board may require. 820

(4) Any child residing with a person other than the child's 821
parent is entitled, for a period not to exceed twelve months, to 822
attend school in the district in which that person resides if the 823
child's parent files an affidavit with the superintendent of the 824
district in which the person with whom the child is living resides 825
stating all of the following: 826

(a) That the parent is serving outside of the state in the 827
armed services of the United States; 828

(b) That the parent intends to reside in the district upon 829
returning to this state; 830

(c) The name and address of the person with whom the child is 831
living while the parent is outside the state. 832

(5) Any child under the age of twenty-two years who, after 833
the death of a parent, resides in a school district other than the 834
district in which the child attended school at the time of the 835
parent's death is entitled to continue to attend school in the 836
district in which the child attended school at the time of the 837
parent's death for the remainder of the school year, subject to 838
approval of that district board. 839

(6) A child under the age of twenty-two years who resides 840
with a parent who is having a new house built in a school district 841
outside the district where the parent is residing is entitled to 842
attend school for a period of time in the district where the new 843
house is being built. In order to be entitled to such attendance, 844
the parent shall provide the district superintendent with the 845
following: 846

(a) A sworn statement explaining the situation, revealing the 847
location of the house being built, and stating the parent's 848

intention to reside there upon its completion; 849

(b) A statement from the builder confirming that a new house 850
is being built for the parent and that the house is at the 851
location indicated in the parent's statement. 852

(7) A child under the age of twenty-two years residing with a 853
parent who has a contract to purchase a house in a school district 854
outside the district where the parent is residing and who is 855
waiting upon the date of closing of the mortgage loan for the 856
purchase of such house is entitled to attend school for a period 857
of time in the district where the house is being purchased. In 858
order to be entitled to such attendance, the parent shall provide 859
the district superintendent with the following: 860

(a) A sworn statement explaining the situation, revealing the 861
location of the house being purchased, and stating the parent's 862
intent to reside there; 863

(b) A statement from a real estate broker or bank officer 864
confirming that the parent has a contract to purchase the house, 865
that the parent is waiting upon the date of closing of the 866
mortgage loan, and that the house is at the location indicated in 867
the parent's statement. 868

The district superintendent shall establish a period of time 869
not to exceed ninety days during which the child entitled to 870
attend school under division (F)(6) or (7) of this section may 871
attend without tuition obligation. A student attending a school 872
under division (F)(6) or (7) of this section shall be eligible to 873
participate in interscholastic athletics under the auspices of 874
that school, provided the board of education of the school 875
district where the student's parent resides, by a formal action, 876
releases the student to participate in interscholastic athletics 877
at the school where the student is attending, and provided the 878
student receives any authorization required by a public agency or 879

private organization of which the school district is a member 880
exercising authority over interscholastic sports. 881

(8) A child whose parent is a full-time employee of a city, 882
local, or exempted village school district, or of an educational 883
service center, may be admitted to the schools of the district 884
where the child's parent is employed, or in the case of a child 885
whose parent is employed by an educational service center, in the 886
district that serves the location where the parent's job is 887
primarily located, provided the district board of education 888
establishes such an admission policy by resolution adopted by a 889
majority of its members. Any such policy shall take effect on the 890
first day of the school year and the effective date of any 891
amendment or repeal may not be prior to the first day of the 892
subsequent school year. The policy shall be uniformly applied to 893
all such children and shall provide for the admission of any such 894
child upon request of the parent. No child may be admitted under 895
this policy after the first day of classes of any school year. 896

(9) A child who is with the child's parent under the care of 897
a shelter for victims of domestic violence, as defined in section 898
3113.33 of the Revised Code, is entitled to attend school free in 899
the district in which the child is with the child's parent, and no 900
other school district shall be required to pay tuition for the 901
child's attendance in that school district. 902

The enrollment of a child in a school district under this 903
division shall not be denied due to a delay in the school 904
district's receipt of any records required under section 3313.672 905
of the Revised Code or any other records required for enrollment. 906
Any days of attendance and any credits earned by a child while 907
enrolled in a school district under this division shall be 908
transferred to and accepted by any school district in which the 909
child subsequently enrolls. The state board of education shall 910
adopt rules to ensure compliance with this division. 911

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

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, and 3313.716 of the Revised Code. Upon request, the grandparent shall complete any consent form

required by the district. A school district shall not incur any 944
liability solely because of its receipt of a consent form from a 945
grandparent in lieu of a parent. 946

Division (F)(11) of this section does not create, and shall 947
not be construed as creating, a new cause of action or substantive 948
legal right against a school district, a member of a board of 949
education, or an employee of a school district. This section does 950
not affect, and shall not be construed as affecting, any 951
immunities from defenses to tort liability created or recognized 952
by Chapter 2744. of the Revised Code for a school district, 953
member, or employee. 954

(12) A child under the age of twenty-two years is entitled to 955
attend school in a school district other than the district in 956
which the child is entitled to attend school under division (B), 957
(C), or (E) of this section provided that, prior to such 958
attendance in any school year, both of the following occur: 959

(a) The superintendent of the district in which the child is 960
entitled to attend school under division (B), (C), or (E) of this 961
section contacts the superintendent of another district for 962
purposes of this division; 963

(b) The superintendents of both districts enter into a 964
written agreement that consents to the attendance and specifies 965
that the purpose of such attendance is to protect the student's 966
physical or mental well-being or to deal with other extenuating 967
circumstances deemed appropriate by the superintendents. 968

While an agreement is in effect under this division for a 969
student who is not receiving special education under Chapter 3323. 970
of the Revised Code and notwithstanding Chapter 3327. of the 971
Revised Code, the board of education of neither school district 972
involved in the agreement is required to provide transportation 973
for the student to and from the school where the student attends. 974

A student attending a school of a district pursuant to this 975
division shall be allowed to participate in all student 976
activities, including interscholastic athletics, at the school 977
where the student is attending on the same basis as any student 978
who has always attended the schools of that district while of 979
compulsory school age. 980

(13) All school districts shall comply with the 981
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 982
seq., for the education of homeless children. Each city, local, 983
and exempted village school district shall comply with the 984
requirements of that act governing the provision of a free, 985
appropriate public education, including public preschool, to each 986
homeless child. 987

When a child loses permanent housing and becomes a homeless 988
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 989
such a homeless person changes temporary living arrangements, the 990
child's parent or guardian shall have the option of enrolling the 991
child in either of the following: 992

(a) The child's school of origin, as defined in 42 U.S.C.A. 993
11432(g)(3)(C); 994

(b) The school that is operated by the school district in 995
which the shelter where the child currently resides is located and 996
that serves the geographic area in which the shelter is located. 997

(G) A board of education, after approving admission, may 998
waive tuition for students who will temporarily reside in the 999
district and who are either of the following: 1000

(1) Residents or domiciliaries of a foreign nation who 1001
request admission as foreign exchange students; 1002

(2) Residents or domiciliaries of the United States but not 1003
of Ohio who request admission as participants in an exchange 1004

program operated by a student exchange organization. 1005

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1006
3327.04, and 3327.06 of the Revised Code, a child may attend 1007
school or participate in a special education program in a school 1008
district other than in the district where the child is entitled to 1009
attend school under division (B) of this section. 1010

(I) This division does not apply to a child receiving special 1011
education. 1012

A school district required to pay tuition pursuant to 1013
division (C)(2) or (3) of this section or section 3313.65 of the 1014
Revised Code shall have an amount deducted under division (F) of 1015
section 3317.023 of the Revised Code equal to its own tuition rate 1016
for the same period of attendance. A school district entitled to 1017
receive tuition pursuant to division (C)(2) or (3) of this section 1018
or section 3313.65 of the Revised Code shall have an amount 1019
credited under division (F) of section 3317.023 of the Revised 1020
Code equal to its own tuition rate for the same period of 1021
attendance. If the tuition rate credited to the district of 1022
attendance exceeds the rate deducted from the district required to 1023
pay tuition, the department of education shall pay the district of 1024
attendance the difference from amounts deducted from all 1025
districts' payments under division (F) of section 3317.023 of the 1026
Revised Code but not credited to other school districts under such 1027
division and from appropriations made for such purpose. The 1028
treasurer of each school district shall, by the fifteenth day of 1029
January and July, furnish the superintendent of public instruction 1030
a report of the names of each child who attended the district's 1031
schools under divisions (C)(2) and (3) of this section or section 1032
3313.65 of the Revised Code during the preceding six calendar 1033
months, the duration of the attendance of those children, the 1034
school district responsible for tuition on behalf of the child, 1035
and any other information that the superintendent requires. 1036

Upon receipt of the report the superintendent, pursuant to 1037
division (F) of section 3317.023 of the Revised Code, shall deduct 1038
each district's tuition obligations under divisions (C)(2) and (3) 1039
of this section or section 3313.65 of the Revised Code and pay to 1040
the district of attendance that amount plus any amount required to 1041
be paid by the state. 1042

(J) In the event of a disagreement, the superintendent of 1043
public instruction shall determine the school district in which 1044
the parent resides. 1045

(K) Nothing in this section requires or authorizes, or shall 1046
be construed to require or authorize, the admission to a public 1047
school in this state of a pupil who has been permanently excluded 1048
from public school attendance by the superintendent of public 1049
instruction pursuant to sections 3301.121 and 3313.662 of the 1050
Revised Code. 1051

Sec. 3313.649. (A) As used in this section: 1052

(1) "Power of attorney" means a power of attorney created 1053
under section 3109.52 of the Revised Code. 1054

(2) "Caretaker authorization affidavit" means an affidavit 1055
executed under section 3109.67 of the Revised Code. 1056

(B) The grandparent who is attorney in fact under a power of 1057
attorney or the grandparent that executed a caretaker 1058
authorization affidavit may enroll the child who is the subject of 1059
the power of attorney or affidavit in a school in the school 1060
district in which the grandparent resides. Unless another reason 1061
exists under the Revised Code to exclude the child, the child may 1062
attend the schools of the school district in which the grandparent 1063
resides. 1064

Sec. 3313.66. (A) Except as provided under division (B)(2) of 1065

this section, the superintendent of schools of a city, exempted 1066
village, or local school district, or the principal of a public 1067
school may suspend a pupil from school for not more than ten 1068
school days. The board of education of a city, exempted village, 1069
or local school district may adopt a policy granting assistant 1070
principals and other administrators the authority to suspend a 1071
pupil from school for a period of time as specified in the policy 1072
of the board of education, not to exceed ten school days. If at 1073
the time a suspension is imposed there are fewer than ten school 1074
days remaining in the school year in which the incident that gives 1075
rise to the suspension takes place, the superintendent may apply 1076
any remaining part or all of the period of the suspension to the 1077
following school year. Except in the case of a pupil given an 1078
in-school suspension, no pupil shall be suspended unless prior to 1079
the suspension such superintendent or principal does both of the 1080
following: 1081

(1) Gives the pupil written notice of the intention to 1082
suspend the pupil and the reasons for the intended suspension and, 1083
if the proposed suspension is based on a violation listed in 1084
division (A) of section 3313.662 of the Revised Code and if the 1085
pupil is sixteen years of age or older, includes in the notice a 1086
statement that the superintendent may seek to permanently exclude 1087
the pupil if the pupil is convicted of or adjudicated a delinquent 1088
child for that violation; 1089

(2) Provides the pupil an opportunity to appear at an 1090
informal hearing before the principal, assistant principal, 1091
superintendent, or superintendent's designee and challenge the 1092
reason for the intended suspension or otherwise to explain the 1093
pupil's actions. 1094

(B)(1) Except as provided under division (B)(2), (3), or (4) 1095
of this section, the superintendent of schools of a city, exempted 1096

village, or local school district may expel a pupil from school 1097
for a period not to exceed the greater of eighty school days or 1098
the number of school days remaining in the semester or term in 1099
which the incident that gives rise to the expulsion takes place, 1100
unless the expulsion is extended pursuant to division (F) of this 1101
section. If at the time an expulsion is imposed there are fewer 1102
than eighty school days remaining in the school year in which the 1103
incident that gives rise to the expulsion takes place, the 1104
superintendent may apply any remaining part or all of the period 1105
of the expulsion to the following school year. 1106

(2)(a) Unless a pupil is permanently excluded pursuant to 1107
section 3313.662 of the Revised Code, the superintendent of 1108
schools of a city, exempted village, or local school district 1109
shall expel a pupil from school for a period of one year for 1110
bringing a firearm to a school operated by the board of education 1111
of the district or onto any other property owned or controlled by 1112
the board, except that the superintendent may reduce this 1113
requirement on a case-by-case basis in accordance with the policy 1114
adopted by the board under section 3313.661 of the Revised Code. 1115

(b) The superintendent of schools of a city, exempted 1116
village, or local school district may expel a pupil from school 1117
for a period of one year for bringing a firearm to an 1118
interscholastic competition, an extracurricular event, or any 1119
other school program or activity that is not located in a school 1120
or on property that is owned or controlled by the district. The 1121
superintendent may reduce this disciplinary action on a 1122
case-by-case basis in accordance with the policy adopted by the 1123
board under section 3313.661 of the Revised Code. 1124

(c) Any expulsion pursuant to division (B)(2) of this section 1125
shall extend, as necessary, into the school year following the 1126
school year in which the incident that gives rise to the expulsion 1127
takes place. As used in this division, "firearm" has the same 1128

meaning as provided pursuant to the "Gun-Free Schools Act of 1129
1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2). 1130

(3) The board of education of a city, exempted village, or 1131
local school district may adopt a resolution authorizing the 1132
superintendent of schools to expel a pupil from school for a 1133
period not to exceed one year for bringing a knife to a school 1134
operated by the board, onto any other property owned or controlled 1135
by the board, or to an interscholastic competition, an 1136
extracurricular event, or any other program or activity sponsored 1137
by the school district or in which the district is a participant, 1138
or for possessing a firearm or knife at a school, on any other 1139
property owned or controlled by the board, or at an 1140
interscholastic competition, an extracurricular event, or any 1141
other school program or activity, which firearm or knife was 1142
initially brought onto school board property by another person. 1143
The resolution may authorize the superintendent to extend such an 1144
expulsion, as necessary, into the school year following the school 1145
year in which the incident that gives rise to the expulsion takes 1146
place. 1147

(4) The board of education of a city, exempted village, or 1148
local school district may adopt a resolution establishing a policy 1149
under section 3313.661 of the Revised Code that authorizes the 1150
superintendent of schools to expel a pupil from school for a 1151
period not to exceed one year for committing an act that is a 1152
criminal offense when committed by an adult and that results in 1153
serious physical harm to persons as defined in division (A)(5) of 1154
section 2901.01 of the Revised Code or serious physical harm to 1155
property as defined in division (A)(6) of section 2901.01 of the 1156
Revised Code while the pupil is at school, on any other property 1157
owned or controlled by the board, or at an interscholastic 1158
competition, an extracurricular event, or any other school program 1159
or activity. Any expulsion under this division shall extend, as 1160

necessary, into the school year following the school year in which 1161
the incident that gives rise to the expulsion takes place. 1162

(5) The board of education of any city, exempted village, or 1163
local school district may adopt a resolution establishing a policy 1164
under section 3313.661 of the Revised Code that authorizes the 1165
superintendent of schools to expel a pupil from school for a 1166
period not to exceed one year for making a bomb threat to a school 1167
building or to any premises at which a school activity is 1168
occurring at the time of the threat. Any expulsion under this 1169
division shall extend, as necessary, into the school year 1170
following the school year in which the incident that gives rise to 1171
the expulsion takes place. 1172

(6) No pupil shall be expelled under division (B)(1), (2), 1173
(3), (4), or (5) of this section unless, prior to the pupil's 1174
expulsion, the superintendent does both of the following: 1175

(a) Gives the pupil and the pupil's parent, guardian, or 1176
custodian written notice of the intention to expel the pupil; 1177

(b) Provides the pupil and the pupil's parent, guardian, 1178
custodian, or representative an opportunity to appear in person 1179
before the superintendent or the superintendent's designee to 1180
challenge the reasons for the intended expulsion or otherwise to 1181
explain the pupil's actions. 1182

The notice required in this division shall include the 1183
reasons for the intended expulsion, notification of the 1184
opportunity of the pupil and the pupil's parent, guardian, 1185
custodian, or representative to appear before the superintendent 1186
or the superintendent's designee to challenge the reasons for the 1187
intended expulsion or otherwise to explain the pupil's action, and 1188
notification of the time and place to appear. The time to appear 1189
shall not be earlier than three nor later than five school days 1190
after the notice is given, unless the superintendent grants an 1191

extension of time at the request of the pupil or the pupil's 1192
parent, guardian, custodian, or representative. If an extension is 1193
granted after giving the original notice, the superintendent shall 1194
notify the pupil and the pupil's parent, guardian, custodian, or 1195
representative of the new time and place to appear. If the 1196
proposed expulsion is based on a violation listed in division (A) 1197
of section 3313.662 of the Revised Code and if the pupil is 1198
sixteen years of age or older, the notice shall include a 1199
statement that the superintendent may seek to permanently exclude 1200
the pupil if the pupil is convicted of or adjudicated a delinquent 1201
child for that violation. 1202

(7) A superintendent of schools of a city, exempted village, 1203
or local school district shall initiate expulsion proceedings 1204
pursuant to this section with respect to any pupil who has 1205
committed an act warranting expulsion under the district's policy 1206
regarding expulsion even if the pupil has withdrawn from school 1207
for any reason after the incident that gives rise to the hearing 1208
but prior to the hearing or decision to impose the expulsion. If, 1209
following the hearing, the pupil would have been expelled for a 1210
period of time had the pupil still been enrolled in the school, 1211
the expulsion shall be imposed for the same length of time as on a 1212
pupil who has not withdrawn from the school. 1213

(C) If a pupil's presence poses a continuing danger to 1214
persons or property or an ongoing threat of disrupting the 1215
academic process taking place either within a classroom or 1216
elsewhere on the school premises, the superintendent or a 1217
principal or assistant principal may remove a pupil from 1218
curricular activities or from the school premises, and a teacher 1219
may remove a pupil from curricular activities under the teacher's 1220
supervision, without the notice and hearing requirements of 1221
division (A) or (B) of this section. As soon as practicable after 1222
making such a removal, the teacher shall submit in writing to the 1223

principal the reasons for such removal. 1224

If a pupil is removed under this division from a curricular 1225
activity or from the school premises, written notice of the 1226
hearing and of the reason for the removal shall be given to the 1227
pupil as soon as practicable prior to the hearing, which shall be 1228
held within three school days from the time the initial removal is 1229
ordered. The hearing shall be held in accordance with division (A) 1230
of this section unless it is probable that the pupil may be 1231
subject to expulsion, in which case a hearing in accordance with 1232
division (B) of this section shall be held, except that the 1233
hearing shall be held within three school days of the initial 1234
removal. The individual who ordered, caused, or requested the 1235
removal to be made shall be present at the hearing. 1236

If the superintendent or the principal reinstates a pupil in 1237
a curricular activity under the teacher's supervision prior to the 1238
hearing following a removal under this division, the teacher, upon 1239
request, shall be given in writing the reasons for such 1240
reinstatement. 1241

(D) The superintendent or principal, within one school day 1242
after the time of a pupil's expulsion or suspension, shall notify 1243
in writing the parent, guardian, or custodian of the pupil and the 1244
treasurer of the board of education of the expulsion or 1245
suspension. The notice shall include the reasons for the expulsion 1246
or suspension, notification of the right of the pupil or the 1247
pupil's parent, guardian, or custodian to appeal the expulsion or 1248
suspension to the board of education or to its designee, to be 1249
represented in all appeal proceedings, to be granted a hearing 1250
before the board or its designee in order to be heard against the 1251
suspension or expulsion, and to request that the hearing be held 1252
in executive session, notification that the expulsion may be 1253
subject to extension pursuant to division (F) of this section if 1254
the pupil is sixteen years of age or older, and notification that 1255

the superintendent may seek the pupil's permanent exclusion if the 1256
suspension or expulsion was based on a violation listed in 1257
division (A) of section 3313.662 of the Revised Code that was 1258
committed when the child was sixteen years of age or older and if 1259
the pupil is convicted of or adjudicated a delinquent child for 1260
that violation. 1261

Any superintendent expelling a pupil under this section for 1262
more than twenty school days or for any period of time if the 1263
expulsion will extend into the following semester or school year 1264
shall, in the notice required under this division, provide the 1265
pupil and the pupil's parent, guardian, or custodian with 1266
information about services or programs offered by public and 1267
private agencies that work toward improving those aspects of the 1268
pupil's attitudes and behavior that contributed to the incident 1269
that gave rise to the pupil's expulsion. The information shall 1270
include the names, addresses, and phone numbers of the appropriate 1271
public and private agencies. 1272

(E) A pupil or the pupil's parent, guardian, or custodian may 1273
appeal the pupil's expulsion by a superintendent or suspension by 1274
a superintendent, principal, assistant principal, or other 1275
administrator to the board of education or to its designee. The 1276
pupil or the pupil's parent, guardian, or custodian may be 1277
represented in all appeal proceedings and shall be granted a 1278
hearing before the board or its designee in order to be heard 1279
against the suspension or expulsion. At the request of the pupil 1280
or of the pupil's parent, guardian, custodian, or attorney, the 1281
board or its designee may hold the hearing in executive session 1282
but shall act upon the suspension or expulsion only at a public 1283
meeting. The board, by a majority vote of its full membership or 1284
by the action of its designee, may affirm the order of suspension 1285
or expulsion, reinstate the pupil, or otherwise reverse, vacate, 1286
or modify the order of suspension or expulsion. 1287

The board or its designee shall make a verbatim record of 1288
hearings held under this division. The decisions of the board or 1289
its designee may be appealed under Chapter 2506. of the Revised 1290
Code. 1291

This section shall not be construed to require notice and 1292
hearing in accordance with division (A), (B), or (C) of this 1293
section in the case of normal disciplinary procedures in which a 1294
pupil is removed from a curricular activity for a period of less 1295
than one school day and is not subject to suspension or expulsion. 1296

(F)(1) If a pupil is expelled pursuant to division (B) of 1297
this section for committing any violation listed in division (A) 1298
of section 3313.662 of the Revised Code and the pupil was sixteen 1299
years of age or older at the time of committing the violation, if 1300
a complaint, indictment, or information is filed alleging that the 1301
pupil is a delinquent child based upon the commission of the 1302
violation or the pupil is prosecuted as an adult for the 1303
commission of the violation, and if the resultant juvenile court 1304
or criminal proceeding is pending at the time that the expulsion 1305
terminates, the superintendent of schools that expelled the pupil 1306
may file a motion with the court in which the proceeding is 1307
pending requesting an order extending the expulsion for the lesser 1308
of an additional eighty days or the number of school days 1309
remaining in the school year. Upon the filing of the motion, the 1310
court immediately shall schedule a hearing and give written notice 1311
of the time, date, and location of the hearing to the 1312
superintendent and to the pupil and the pupil's parent, guardian, 1313
or custodian. At the hearing, the court shall determine whether 1314
there is reasonable cause to believe that the pupil committed the 1315
alleged violation that is the basis of the expulsion and, upon 1316
determining that reasonable cause to believe the pupil committed 1317
the violation does exist, shall grant the requested extension. 1318

(2) If a pupil has been convicted of or adjudicated a 1319

delinquent child for a violation listed in division (A) of section 1320
3313.662 of the Revised Code for an act that was committed when 1321
the child was sixteen years of age or older, if the pupil has been 1322
expelled pursuant to division (B) of this section for that 1323
violation, and if the board of education of the school district of 1324
the school from which the pupil was expelled has adopted a 1325
resolution seeking the pupil's permanent exclusion, the 1326
superintendent may file a motion with the court that convicted the 1327
pupil or adjudicated the pupil a delinquent child requesting an 1328
order to extend the expulsion until an adjudication order or other 1329
determination regarding permanent exclusion is issued by the 1330
superintendent of public instruction pursuant to section 3301.121 1331
and division (D) of section 3313.662 of the Revised Code. Upon the 1332
filing of the motion, the court immediately shall schedule a 1333
hearing and give written notice of the time, date, and location of 1334
the hearing to the superintendent of the school district, the 1335
pupil, and the pupil's parent, guardian, or custodian. At the 1336
hearing, the court shall determine whether there is reasonable 1337
cause to believe the pupil's continued attendance in the public 1338
school system may endanger the health and safety of other pupils 1339
or school employees and, upon making that determination, shall 1340
grant the requested extension. 1341

(G) The failure of the superintendent or the board of 1342
education to provide the information regarding the possibility of 1343
permanent exclusion in the notice required by divisions (A), (B), 1344
and (D) of this section is not jurisdictional, and the failure 1345
shall not affect the validity of any suspension or expulsion 1346
procedure that is conducted in accordance with this section or the 1347
validity of a permanent exclusion procedure that is conducted in 1348
accordance with sections 3301.121 and 3313.662 of the Revised 1349
Code. 1350

(H) With regard to suspensions and expulsions pursuant to 1351

divisions (A) and (B) of this section by the board of education of 1352
any city, exempted village, or local school district, this section 1353
shall apply to any student, whether or not the student is enrolled 1354
in the district, attending or otherwise participating in any 1355
curricular program provided in a school operated by the board or 1356
provided on any other property owned or controlled by the board. 1357

(I) Whenever a student is expelled under this section, the 1358
expulsion shall result in removal of the student from the 1359
student's regular school setting. However, during the period of 1360
the expulsion, the board of education of the school district that 1361
expelled the student or any board of education admitting the 1362
student during that expulsion period may provide educational 1363
services to the student in an alternative setting. 1364

(J)(1) Notwithstanding ~~section~~ sections 3109.51 to 3109.81, 1365
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1366
after offering an opportunity for a hearing, may temporarily deny 1367
admittance to any pupil if one of the following applies: 1368

(a) The pupil has been suspended from the schools of another 1369
district under division (A) of this section and the period of 1370
suspension, as established under that division, has not expired; 1371

(b) The pupil has been expelled from the schools of another 1372
district under division (B) of this section and the period of the 1373
expulsion, as established under that division or as extended under 1374
division (F) of this section, has not expired. 1375

If a pupil is temporarily denied admission under this 1376
division, the pupil shall be admitted to school in accordance with 1377
~~section~~ sections 3109.51 to 3109.81, 3313.64, or 3313.65 of the 1378
Revised Code no later than upon expiration of the suspension or 1379
expulsion period, as applicable. 1380

(2) Notwithstanding ~~section~~ sections 3109.51 to 3109.81, 1381
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1382

after offering an opportunity for a hearing, may temporarily deny 1383
admittance to any pupil if the pupil has been expelled or 1384
otherwise removed for disciplinary purposes from a public school 1385
in another state and the period of expulsion or removal has not 1386
expired. If a pupil is temporarily denied admission under this 1387
division, the pupil shall be admitted to school in accordance with 1388
~~section~~ sections 3109.51 to 3109.81, 3313.64, or 3313.65 of the 1389
Revised Code no later than the earlier of the following: 1390

(a) Upon expiration of the expulsion or removal period 1391
imposed by the out-of-state school; 1392

(b) Upon expiration of a period established by the district, 1393
beginning with the date of expulsion or removal from the 1394
out-of-state school, that is no greater than the period of 1395
expulsion that the pupil would have received under the policy 1396
adopted by the district under section 3313.661 of the Revised Code 1397
had the offense that gave rise to the expulsion or removal by the 1398
out-of-state school been committed while the pupil was enrolled in 1399
the district. 1400

(K) As used in this section: 1401

(1) "Permanently exclude" and "permanent exclusion" have the 1402
same meanings as in section 3313.662 of the Revised Code. 1403

(2) "In-school suspension" means the pupil will serve all of 1404
the suspension in a school setting. 1405

Sec. 3313.672. (A)(1) At the time of ~~his~~ initial entry to a 1406
public or nonpublic school, a pupil shall present to the person in 1407
charge of admission any records given ~~him~~ the pupil by the public 1408
or nonpublic elementary or secondary school ~~he~~ the pupil most 1409
recently attended; a certified copy of an order or decree, or 1410
modification of such an order or decree allocating parental rights 1411
and responsibilities for the care of a child and designating a 1412

residential parent and legal custodian of the child, as provided 1413
in division (B) of this section, if that type of order or decree 1414
has been issued; a copy of a power of attorney or caretaker 1415
authorization affidavit, if either has been executed with respect 1416
to the child pursuant to sections 3109.51 to 3109.81 of the 1417
Revised Code; and a certification of birth issued pursuant to 1418
Chapter 3705. of the Revised Code, a comparable certificate or 1419
certification issued pursuant to the statutes of another state, 1420
territory, possession, or nation, or a document in lieu of a 1421
certificate or certification as described in divisions (A)(1)(a) 1422
to (e) of this section. Any of the following shall be accepted in 1423
lieu of a certificate or certification of birth by the person in 1424
charge of admission: 1425

(a) A passport or attested transcript of a passport filed 1426
with a registrar of passports at a point of entry of the United 1427
States showing the date and place of birth of the child; 1428

(b) An attested transcript of the certificate of birth; 1429

(c) An attested transcript of the certificate of baptism or 1430
other religious record showing the date and place of birth of the 1431
child; 1432

(d) An attested transcript of a hospital record showing the 1433
date and place of birth of the child; 1434

(e) A birth affidavit. 1435

(2) Within twenty-four hours of the entry into the school of 1436
a pupil described in division (A)(1) of this section, a school 1437
official shall request the pupil's official records from the 1438
public or nonpublic elementary or secondary school ~~he~~ the pupil 1439
most recently attended. If the public or nonpublic school the 1440
pupil claims to have most recently attended indicates that it has 1441
no record of the pupil's attendance or the records are not 1442

received within fourteen days of the date of request, or if the 1443
pupil does not present a certification of birth described in 1444
division (A)(1) of this section, a comparable certificate or 1445
certification from another state, territory, possession, or 1446
nation, or another document specified in divisions (A)(1)(a) to 1447
(d) of this section, the principal or chief administrative officer 1448
of the school shall notify the law enforcement agency having 1449
jurisdiction in the area where the pupil resides of this fact and 1450
of the possibility that the pupil may be a missing child, as 1451
defined in section 2901.30 of the Revised Code. 1452

(B)(1) Whenever an order or decree allocating parental rights 1453
and responsibilities for the care of a child and designating a 1454
residential parent and legal custodian of the child, including a 1455
temporary order, is issued resulting from an action of divorce, 1456
alimony, annulment, or dissolution of marriage, and the order or 1457
decree pertains to a child who is a pupil in a public or nonpublic 1458
school, the residential parent of the child shall notify the 1459
school of those allocations and designations by providing the 1460
person in charge of admission at the pupil's school with a 1461
certified copy of the order or decree that made the allocation and 1462
designation. Whenever there is a modification of any order or 1463
decree allocating parental rights and responsibilities for the 1464
care of a child and designating a residential parent and legal 1465
custodian of the child that has been submitted to a school, the 1466
residential parent shall provide the person in charge of admission 1467
at the pupil's school with a certified copy of the order or decree 1468
that makes the modification. 1469

(2) Whenever a power of attorney is executed under sections 1470
3109.51 to 3109.62 of the Revised Code that pertains to a child 1471
who is a pupil in a public or nonpublic school, the attorney in 1472
fact shall notify the school of the power of attorney by providing 1473
the person in charge of admission with a copy of the power of 1474

attorney. Whenever a caretaker authorization affidavit is executed 1475
under sections 3109.64 to 3109.73 of the Revised Code that 1476
pertains to a child who is in a public or nonpublic school, the 1477
caretaker under the affidavit shall notify the school of the 1478
affidavit by providing the person in charge of admission with a 1479
copy of the affidavit. 1480

(C) If, at the time of a pupil's initial entry to a public or 1481
nonpublic school, the pupil is under the care of a shelter for 1482
victims of domestic violence, as defined in section 3113.33 of the 1483
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 1484
school of that fact. Upon being so informed, the school shall 1485
inform the elementary or secondary school from which it requests 1486
the pupil's records of that fact. 1487

Section 2. That existing sections 3313.64, 3313.66, and 1488
3313.672 of the Revised Code are hereby repealed. 1489

Section 3. Section 3313.66 of the Revised Code is presented 1490
in this act as a composite of the section as amended by both H.B. 1491
620 and Am. Sub. S.B. 179 of the 123rd General Assembly. The 1492
General Assembly, applying the principle stated in division (B) of 1493
section 1.52 of the Revised Code that amendments are to be 1494
harmonized if reasonably capable of simultaneous operation, finds 1495
that the composite is the resulting version of the section in 1496
effect prior to the effective date of the section as presented in 1497
this act. 1498