

As Reported by the Senate Judiciary--Civil Justice 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, Bocchieri, Buehrer, Carano, Carmichael, Cates, Collier, Daniels,
DeBose, Distel, Domenick, C. Evans, Fessler, Flowers, Gibbs, Hughes,
Jolivette, Key, Martin, Niehaus, Olman, T. Patton, Price, Schaffer, Setzer,
G. Smith, J. Stewart, Taylor, Wagner, Widener, Wolpert, Young
Senators Goodman, Stivers, Hottinger, Dann**

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
3109.80, and 3313.649 of the Revised Code to 3
permit the execution of a power of attorney or 4
caretaker authorization affidavit permitting a 5
grandparent with whom a child resides authority 6
over the care, custody, and control of the child 7
including the authority to make decisions 8
regarding school matters and to consent to the 9
medical, psychological, and dental care for the 10
child, to require the power of attorney or 11
caretaker authorization affidavit be filed with 12
the juvenile court or any other court that may 13
have jurisdiction, to require the grandparent to 14
provide certain specified information to the court 15
with the power of attorney of caretaker 16
authorization affidavit, and to allow the court to 17
report that information to a public children 18

services agency for the purpose of investigating 19
the grandparent. 20

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

Section 1. That sections 3313.64, 3313.66, and 3313.672 be 21
amended and sections 3109.51, 3109.52, 3109.53, 3109.54, 3109.55, 22
3109.56, 3109.57, 3109.58, 3109.59, 3109.60, 3109.61, 3109.62, 23
3109.65, 3109.66, 3109.67, 3109.68, 3109.69, 3109.70, 3109.71, 24
3109.72, 3109.73, 3109.74, 3109.75, 3109.76, 3109.77, 3109.78, 25
3109.79, 3109.80, and 3313.649 of the Revised Code be enacted to 26
read as follows: 27

Sec. 3109.51. As used in sections 3109.52 to 3109.80 of the 28
Revised Code: 29

(A) "Child" means a person under eighteen years of age. 30

(B) "Custodian" means an individual with legal custody of a 31
child. 32

(C) "Guardian" means an individual granted authority by a 33
probate court pursuant to Chapter 2111. of the Revised Code to 34
exercise parental rights over a child to the extent provided in 35
the court's order and subject to the residual parental rights, 36
privileges, and responsibilities of the child's parents. 37

(D) "Legal custody" and "residual parental rights, 38
privileges, and responsibilities" have the same meanings as in 39
section 2151.011 of the Revised Code. 40

Sec. 3109.52. The parent, guardian, or custodian of a child 41
may create a power of attorney that grants to a grandparent of the 42
child with whom the child is residing any of the parent's, 43
guardian's, or custodian's rights and responsibilities regarding 44

the care, physical custody, and control of the child, including
the ability to enroll the child in school, to obtain from the
school district educational and behavioral information about the
child, to consent to all school-related matters regarding the
child, and to consent to medical, psychological, or dental
treatment for the child. The power of attorney may not grant
authority to consent to the marriage or adoption of the child. The
power of attorney does not affect the rights of the parent,
guardian, or custodian of the child in any future proceeding
concerning custody of the child or the allocation of parental
rights and responsibilities for the care of the child and does not
grant legal custody to the attorney in fact.

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

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POWER OF ATTORNEY

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I, the undersigned, residing at, in the county of
....., state of, hereby appoint the child's
grandparent,, residing at, in the county of
....., in the state of Ohio, with whom the child of whom I
am the parent, guardian, or custodian is residing, my attorney in
fact to exercise any and all of my rights and responsibilities
regarding the care, physical custody, and control of the child,
....., born, having social security number
(optional), except my authority to consent to marriage
or adoption of the child, and to perform all acts
necessary in the execution of the rights and responsibilities
hereby granted, as fully as I might do if personally present. The
rights I am transferring under this power of attorney include the
ability to enroll the child in school, to obtain from the school

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district educational and behavioral information about the child,
to consent to all school-related matters regarding the child, and
to consent to medical, psychological, or dental treatment for the
child. This transfer does not affect my rights in any future
proceedings concerning the custody of the child or the allocation
of the parental rights and responsibilities for the care of the
child and does not give the attorney in fact legal custody of the
child. This transfer does not terminate my right to have regular
contact with the child.

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

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

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

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

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

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I understand that this document does not authorize a child

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support enforcement agency to redirect child support payments to 107
the grandparent designated as attorney in fact. I further 108
understand that to have an existing child support order modified 109
or a new child support order issued administrative or judicial 110
proceedings must be initiated. 111

If there is a court order naming me the residential parent 112
and legal custodian of the child who is the subject of this power 113
of attorney and I am the sole parent signing this document, I 114
hereby certify that one of the following is the case: 115

(1) I have made reasonable efforts to locate and provide 116
notice of the creation of this power of attorney to the other 117
parent and have been unable to locate that parent; 118

(2) The other parent is prohibited from receiving a notice of 119
relocation; or 120

(3) The parental rights of the other parent have been 121
terminated by order of a juvenile court. 122

This POWER OF ATTORNEY is valid until the occurrence of 123
whichever of the following events occurs first: (1) one year 124
elapses following the date this POWER OF ATTORNEY is notarized; 125
(2) I revoke this POWER OF ATTORNEY in writing; (3) the child 126
ceases to reside with the grandparent designated as attorney in 127
fact; (4) this POWER OF ATTORNEY is terminated by court order; (5) 128
the death of the child who is the subject of the power of 129
attorney; or (6) the death of the grandparent designated as the 130
attorney in fact. 131

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 132
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 133
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 134
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 135
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 136
BOTH. 137

2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public. 154
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact. 155
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. 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. 156
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 or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to 157

determine whether the power of attorney is in the child's best interest.

6. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 158

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. 159

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. 160

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: 161

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 162

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 163

(c) The court in which the power of attorney was filed after its creation; and 164

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 165

9. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 166

Additional information: 167

To the grandparent designated as attorney in fact: 168

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1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this 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. 170

2. You must include with the power of attorney the following information: 171

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 172

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and 173

responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 174

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 175

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication. 176

To school officials: 177

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. 178

2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 179

3. A school district or school official that reasonably and in 180

good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

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1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.

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

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

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Sec. 3109.55. (A) A person who creates a power of attorney under section 3109.52 of the Revised Code shall send notice of the creation to the parent of the child who is not the residential parent and legal custodian of the child unless one of the following is the case:

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(1) The parent is prohibited from receiving a notice of

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<u>relocation in accordance with section 3109.051 of the Revised</u>	197
<u>Code.</u>	198
<u>(2) The parent's parental rights have been terminated by</u>	199
<u>order of a juvenile court pursuant to Chapter 2151. of the Revised</u>	200
<u>Code.</u>	201
<u>(3) The parent cannot be located with reasonable efforts.</u>	202
<u>(4) The power of attorney is being created by both parents.</u>	203
<u>(B) The notice shall be sent by certified mail not later than</u>	204
<u>five days after the power of attorney is created. The notice shall</u>	205
<u>state the name and address of the person designated as the</u>	206
<u>attorney in fact.</u>	207
<u>Sec. 3109.56. When a parent seeks to create a power of</u>	208
<u>attorney pursuant to section 3109.52 of the Revised Code, all of</u>	209
<u>the following apply:</u>	210
<u>(A) The power of attorney shall be executed by both parents</u>	211
<u>if any of the following apply:</u>	212
<u>(1) The parents are married to each other and are living as</u>	213
<u>husband and wife.</u>	214
<u>(2) The child is the subject of a shared parenting order</u>	215
<u>issued pursuant to section 3109.04 of the Revised Code.</u>	216
<u>(3) The child is the subject of a custody order issued</u>	217
<u>pursuant to section 3109.04 of the Revised Code unless one of the</u>	218
<u>following is the case:</u>	219
<u>(a) The parent who is not the residential parent and legal</u>	220
<u>custodian is prohibited from receiving a notice of relocation in</u>	221
<u>accordance with section 3109.051 of the Revised Code.</u>	222
<u>(b) The parental rights of the parent who is not the</u>	223
<u>residential parent and legal custodian have been terminated by</u>	224
<u>order of a juvenile court pursuant to Chapter 2151. of the Revised</u>	225

<u>Code.</u>	226
<u>(c) The parent who is not the residential parent and legal custodian cannot be located with reasonable efforts.</u>	227 228
<u>(B) In all other cases, the power of attorney may be executed only by one of the following persons:</u>	229 230
<u>(1) The parent who is the residential parent and legal custodian of the child, as determined by court order or as provided in section 3109.042 of the Revised Code;</u>	231 232 233
<u>(2) The parent with whom the child is residing the majority of the school year in cases in which no court has issued an order designating a parent as the residential parent and legal custodian of the child or section 3109.042 of the Revised Code is not applicable.</u>	234 235 236 237 238
<u>Sec. 3109.57. (A) Except as provided in division (B) of this section and subject to sections 3109.56 and 3109.58 of the Revised Code, a parent, guardian, or custodian may create a power of attorney under section 3109.52 of the Revised Code only under the following circumstances:</u>	239 240 241 242 243
<u>(1) The parent, guardian, or custodian of the child is any of the following:</u>	244 245
<u>(a) Seriously ill, incarcerated, or about to be incarcerated;</u>	246
<u>(b) Temporarily unable to provide financial support or parental guidance to the child;</u>	247 248
<u>(c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition;</u>	249 250 251
<u>(d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable;</u>	252 253
<u>(e) In or about to enter a residential treatment program for</u>	254

substance abuse. 255

(2) The parent, guardian, or custodian of the child has a 256
well-founded belief that the power of attorney is in the child's 257
best interest. 258

(B) In addition to the circumstances described in division 259
(A) of this section and subject to sections 3109.56 and 3109.58 of 260
the Revised Code, a parent may execute a power of attorney if the 261
other parent of the child is deceased. 262

Sec. 3109.58. (A) As used in this section, "temporary 263
custody," "permanent custody," and "planned permanent living 264
arrangement" have the same meanings as in section 2151.011 of the 265
Revised Code. 266

(B) A power of attorney created pursuant to section 3109.52 267
of the Revised Code may not be executed with respect to a child 268
while any of the following proceedings are pending regarding the 269
child: 270

(1) A proceeding for the appointment of a guardian for, or 271
the adoption of, the child; 272

(2) A juvenile proceeding in which one of the following 273
applies: 274

(a) The temporary, permanent, or legal custody of the child 275
or the placement of the child in a planned permanent living 276
arrangement has been requested. 277

(b) The child is the subject of an ex parte emergency custody 278
order issued under division (D) of section 2151.31 of the Revised 279
Code, and no hearing has yet been held regarding the child under 280
division (A) of section 2151.314 of the Revised Code. 281

(c) The child is the subject of a temporary custody order 282
issued under section 2151.33 of the Revised Code. 283

(3) A proceeding for divorce, dissolution, legal separation, annulment, or allocation of parental rights and responsibilities regarding the child. 284
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Sec. 3109.59. (A) A power of attorney created under section 3109.52 of the Revised Code terminates on the occurrence of whichever of the following events occurs first: 287
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(1) One year elapses following the date the power of attorney is notarized. 290
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(2) The power of attorney is revoked in writing by the person who created it. 292
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(3) The child ceases to reside with the grandparent designated the attorney in fact. 294
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(4) The power of attorney is terminated by court order. 296

(5) The death of the child who is the subject of the power of attorney. 297
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(6) The death of the grandparent designated as the attorney in fact. 299
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(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 of an initial power of attorney or a second or subsequent power of attorney must be filed with the court with which the power of attorney is filed pursuant to section 3109.76 of the Revised Code. 301
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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: 307
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<u>(A) The school district in which the child attends school;</u>	312
<u>(B) The child's health care providers;</u>	313
<u>(C) The child's health insurance coverage provider;</u>	314
<u>(D) The court in which the power of attorney was filed under section 3109.74 of the Revised Code;</u>	315 316
<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>	317 318 319
<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>	320 321 322 323
<u>The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.</u>	324 325
<u>Sec. 3109.61. 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>	326 327 328 329 330 331 332 333
<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>	334 335 336 337 338 339
<u>This section does not provide immunity from civil or criminal</u>	340

liability to any person for actions that are wanton, reckless, or 341
inconsistent with the ordinary standard of care required to be 342
exercised by anyone acting in the same capacity as the person. 343

Sec. 3109.62. A military power of attorney executed pursuant 344
to section 574(a) of the "National Defense Authorization Act for 345
Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, that 346
grants a person's rights and responsibilities regarding the care, 347
custody, and control of the person's child, including the ability 348
to enroll the child in school, to obtain from the school district 349
educational and behavioral information about the child, to consent 350
to all school-related matters regarding the child, and to consent 351
to medical, psychological, or dental treatment for the child shall 352
be considered a power of attorney created pursuant to sections 353
3109.51 to 3109.61 of the Revised Code, as long as the military 354
power of attorney, according to its terms, remains in effect. 355

Sec. 3109.65. (A) Except as provided in division (B) of this 356
section, if a child is living with a grandparent who has made 357
reasonable attempts to locate and contact both of the child's 358
parents, or the child's guardian or custodian, but has been unable 359
to do so, the grandparent may obtain authority to exercise care, 360
physical custody, and control of the child including authority to 361
enroll the child in school, to discuss with the school district 362
the child's educational progress, to consent to all school-related 363
matters regarding the child, and to consent to medical, 364
psychological, or dental treatment for the child by executing a 365
caretaker authorization affidavit in accordance with section 366
3109.67 of the Revised Code. 367

(B) The grandparent may execute a caretaker authorization 368
affidavit without attempting to locate the following parent: 369

(1) If paternity has not been established with regard to the 370

<u>child, the child's father.</u>	371
<u>(2) If the child is the subject of a custody order, the following parent:</u>	372
<u>(a) A parent who is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code;</u>	373
<u>(a) A parent who is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code;</u>	374
<u>relocation in accordance with section 3109.051 of the Revised Code;</u>	375
<u>Code;</u>	376
<u>(b) A parent whose parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code.</u>	377
<u>order of a juvenile court pursuant to Chapter 2151. of the Revised Code.</u>	378
<u>Code.</u>	379
<u>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:</u>	380
<u>grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:</u>	381
<u>execute shall be identical in form and content to the following:</u>	382
<u>CARETAKER AUTHORIZATION AFFIDAVIT</u>	383
<u>Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.</u>	384
<u>of the Ohio Revised Code.</u>	385
<u>Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical 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.</u>	386
<u>Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical 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.</u>	387
<u>exercise care, physical 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.</u>	388
<u>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.</u>	389
<u>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.</u>	390
<u>to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.</u>	391
<u>to consent to medical, psychological, or dental treatment for the child.</u>	392
<u>child.</u>	393
<u>The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.</u>	394
<u>older, and I am the child's grandparent.</u>	395
<u>1. Name of child:</u>	396
<u>2. Child's date and year of birth:</u>	397
<u>3. Child's social security number (optional):</u>	398
<u>4. My name:</u>	399
<u>5. My home address:</u>	400

6. My date and year of birth: 401
7. My Ohio driver's license number or identification card number: 402
8. Despite having made reasonable attempts, I am either: 403
- (a) Unable to locate or contact the child's parents, or the 404
 child's guardian or custodian; or
- (b) I am unable to locate or contact one of the child's 405
 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 of the child's 406
 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 receiving notice of 407
 a relocation; or
- (ii) The parental rights of the parent have been 408
 terminated.
9. I hereby certify that this affidavit is not being executed for 409
 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 authorize a child 410
 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 411
INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE 412
REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF 413
THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 414
MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 415
- I declare that the foregoing is true and correct: 416

faith, has no obligation to make any further inquiry or investigation.

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. 432

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. 433

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: 434

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 435

(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; 436

(c) The court in which the affidavit was filed after its creation. 437

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 438

7. The decision of a grandparent to consent to or to refuse 439

medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child.

Additional information:

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To caretakers:

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

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

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3. You must include with the caretaker authorization affidavit the following information:

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(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;

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(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or

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that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 447

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 448

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication. 449

To school officials: 450

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. 451
2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5. 452
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. 453
4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision 454

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

To health care providers:

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1. A person or entity that acts in good faith 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.

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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.

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

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reliance on this affidavit.

Sec. 3109.67. A caretaker authorization affidavit described 459
in section 3109.66 of the Revised Code is executed when the 460
affidavit is completed, signed by a grandparent described in 461
section 3109.65 of the Revised Code, and notarized. 462

Sec. 3109.68. (A) As used in this section, "temporary 463
custody," "permanent custody," and "planned permanent living 464
arrangement" have the same meanings as in section 2151.011 of the 465
Revised Code. 466

(B) A caretaker authorization affidavit may not be executed 467
with respect to a child while any of the following proceedings are 468
pending regarding the child: 469

(1) A proceeding for the appointment of a guardian for, or 470
the adoption of, the child; 471

(2) A juvenile proceeding in which one of the following 472
applies: 473

(a) The temporary, permanent, or legal custody of the child 474
or the placement of the child in a planned permanent living 475
arrangement has been requested. 476

(b) The child is the subject of an ex parte emergency custody 477
order issued under division (D) of section 2151.31 of the Revised 478
Code, and no hearing has yet been held regarding the child under 479
division (A) of section 2151.314 of the Revised Code. 480

(c) The child is the subject of a temporary custody order 481
issued under section 2151.33 of the Revised Code. 482

(3) A proceeding for divorce, dissolution, legal separation, 483
annulment, or allocation of parental rights and responsibilities 484
regarding the child. 485

Sec. 3109.69. Once a caretaker authorization affidavit has 486
been executed under section 3109.67 of the Revised Code, the 487
grandparent may exercise care, physical custody, and control of 488
the child, including enrolling the child in school, discussing 489
with the school district the child's educational progress, 490
consenting to all school-related matters regarding the child, and 491
consenting to medical, psychological, or dental treatment for the 492
child. The affidavit does not affect the rights and 493
responsibilities of the parent, guardian, or custodian regarding 494
the child, does not grant legal custody to the grandparent, and 495
does not grant authority to the grandparent to consent to the 496
marriage or adoption of the child. 497

Sec. 3109.70. An executed caretaker authorization affidavit 498
shall terminate on the occurrence of whichever of the following 499
comes first: 500

(A) One year elapses following the date the affidavit is 501
notarized. 502

(B) The child ceases to reside with the grandparent. 503

(C) The parent, guardian, or custodian of the child who is 504
the subject of the affidavit acts, in accordance with section 505
3109.72 of the Revised Code, to negate, reverse, or otherwise 506
disapprove an action or decision of the grandparent who signed the 507
affidavit with respect to the child. 508

(D) The affidavit is terminated by court order. 509

(E) The death of the child who is the subject of the 510
affidavit. 511

(F) The death of the grandparent who executed the affidavit. 512

Sec. 3109.71. When a caretaker authorization affidavit 513

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 court in which the affidavit was filed
under section 3109.74 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.

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Sec. 3109.72. 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.

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Sec. 3109.73. A person who, in good faith, relies on or takes
action in reliance on a caretaker authorization affidavit 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 reliance or action. The person
is not subject to any disciplinary action from an entity that
licenses or certifies the person. Any medical, psychological, or

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dental treatment provided to a child in reliance on an affidavit 544
with respect to the child shall be considered to have been 545
provided in good faith if the the person providing the treatment 546
had no actual knowledge of opposition by the parent, guardian, or 547
custodian. 548

This section does not provide immunity from civil or criminal 549
liability to any person for actions that are wanton, reckless, or 550
inconsistent with the ordinary standard of care required to be 551
exercised by anyone acting in the same capacity as the person. 552

Sec. 3109.74. (A) A person who creates a power of attorney 553
under section 3109.52 of the Revised Code or executes a caretaker 554
authorization affidavit under section 3109.67 of the Revised Code 555
shall file the power of attorney or affidavit with the juvenile 556
court of the county in which the grandparent designated as 557
attorney in fact or grandparent who executed the affidavit resides 558
or any other court that has jurisdiction over the child under a 559
previously filed motion or proceeding. The power of attorney or 560
affidavit shall be filed not later than five days after the date 561
it is created or executed and may be sent to the court by 562
certified mail. 563

(B) A power of attorney filed under this section shall be 564
accompanied by a receipt showing that the notice of creation of 565
the power of attorney was sent to the parent who is not the 566
residential parent and legal custodian by certified mail under 567
section 3109.55 of the Revised Code. 568

(C)(1) The grandparent designated as attorney in fact or the 569
grandparent who executed the affidavit shall include with the 570
power of attorney or the caretaker authorization affidavit the 571
information described in section 3109.27 of the Revised Code. 572

(2) If the grandparent provides information that the 573

grandparent previously has been convicted of or pleaded guilty to 574
any criminal offense involving any act that resulted in a child 575
being an abused child or a neglected child or previously has been 576
determined, in a case in which a child has been adjudicated an 577
abused child or a neglected child, to be the perpetrator of the 578
abusive or neglectful act that was the basis of the adjudication, 579
the court may report that information to the public children 580
services agency pursuant to section 2151.421 of the Revised Code. 581
Upon the receipt of that information, the public children services 582
agency shall initiate an investigation pursuant to section 583
2151.421 of the Revised Code. 584

(3) If the court has reason to believe that a power of 585
attorney or caretaker authorization affidavit is not in the best 586
interest of the child, the court may report that information to 587
the public children services agency pursuant to section 2151.421 588
of the Revised Code. Upon receipt of that information, the public 589
children services agency shall initiate an investigation pursuant 590
to section 2151.421 of the Revised Code. The public children 591
services agency shall submit a report of its investigation to the 592
court not later than thirty days after the court reports the 593
information to the public children services agency or not later 594
than forty-five days after the court reports the information to 595
the public children services agency when information that is 596
needed to determine the case disposition cannot be compiled within 597
thirty days and the reasons are documented in the case record. 598

(D) The court shall waive any filing fee imposed for the 599
filing of the power of attorney or caretaker authorization 600
affidavit. 601

Sec. 3109.75. On the request of the person in charge of 602
admissions of a school or a person described under division 603
(A)(1)(b) of section 2151.421 of the Revised Code, the court in 604

which the power of attorney or caretaker authorization affidavit 605
was filed shall verify whether a power of attorney or caretaker 606
authorization affidavit has been filed under section 3109.74 of 607
the Revised Code with respect to a child. 608

Sec. 3109.76. If a second or subsequent power of attorney is 609
created under section 3109.52 of the Revised Code regarding a 610
child who is the subject of a prior power of attorney or a second 611
or subsequent caretaker authorization affidavit is executed under 612
section 3109.67 of the Revised Code regarding a child who is the 613
subject of a prior affidavit, the person who creates the power of 614
attorney or executes the affidavit must file it with the juvenile 615
court of the county in which the grandparent designated as 616
attorney in fact or the grandparent who executed the affidavit 617
resides or with any other court that has jurisdiction over the 618
child under a previously filed motion or proceeding. 619

Sec. 3109.77. (A) On the filing of a power of attorney or 620
caretaker authorization affidavit under section 3109.76 of the 621
Revised Code, the court in which the power of attorney or 622
caretaker authorization affidavit was filed shall schedule a 623
hearing to determine whether the power of attorney or affidavit is 624
in the child's best interest. The court shall provide notice of 625
the date, time, and location of the hearing to the parties and to 626
the parent who is not the residential parent and legal custodian 627
unless one of the following circumstances applies: 628

(1) In accordance with section 3109.051 of the Revised Code, 629
that parent is not to be given a notice of relocation. 630

(2) The parent's parental rights have been terminated by 631
order of a juvenile court pursuant to Chapter 2151. of the Revised 632
Code. 633

(3) The parent cannot be located with reasonable efforts. 634

(4) The power of attorney was created by both parents. 635

(B) The hearing shall be held not later than ten days after 636
the date the power of attorney or affidavit was filed with the 637
court. At the hearing, the parties and the parent who is not the 638
residential parent and legal custodian may present evidence and be 639
represented by counsel. 640

(C) At the conclusion of the hearing, the court may take any 641
of the following actions that the court determines is in the 642
child's best interest: 643

(1) Approve the power of attorney or affidavit. If approved, 644
the power of attorney or affidavit shall remain in effect unless 645
otherwise terminated under section 3109.59 of the Revised Code 646
with respect to a power of attorney or section 3109.70 of the 647
Revised Code with respect to an affidavit. 648

(2) Issue an order terminating the power of attorney or 649
affidavit and ordering the child returned to the child's parent, 650
guardian, or custodian. If the parent, guardian, or custodian of 651
the child cannot be located, the court shall treat the filing of 652
the power of attorney or affidavit with the court as a complaint 653
under section 2151.27 of the Revised Code that the child is a 654
dependent child. 655

(3) Treat the filing of the power of attorney or affidavit as 656
a petition for legal custody and award legal custody of the child 657
to the grandparent designated as the attorney in fact under the 658
power of attorney or to the grandparent who executed the 659
affidavit. 660

(D) The court shall conduct a de novo review of any order 661
issued under division (C) of this section if all of the following 662
apply regarding the parent who is not the residential parent and 663

legal custodian: 664

(1) The parent did not appear at the hearing from which the order was issued. 665
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(2) The parent was not represented by counsel at the hearing. 667

(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. 668
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Sec. 3109.78. (A) No person shall create a power of attorney under section 3109.52 of the Revised Code or execute a caretaker authorization affidavit under section 3109.67 of the Revised Code for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by the school or school district. 671
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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. 678
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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. 681
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Sec. 3109.79. 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. 684
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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, 687
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with respect to either order, issues an order providing otherwise. 693

Sec. 3109.80. Only one power of attorney created under 694
section 3109.52 of the Revised Code or one caretaker authorization 695
executed under section 3109.67 of the Revised Code may be in 696
effect for a child at one time. 697

Sec. 3313.64. (A) As used in this section and in section 698
3313.65 of the Revised Code: 699

(1) ~~"Parent"~~ (a) Except as provided in division (A)(1)(b) of 700
this section, "parent" means either parent, unless the parents are 701
separated or divorced or their marriage has been dissolved or 702
annulled, in which case "parent" means the parent who is the 703
residential parent and legal custodian of the child. When a child 704
is in the legal custody of a government agency or a person other 705
than the child's natural or adoptive parent, "parent" means the 706
parent with residual parental rights, privileges, and 707
responsibilities. When a child is in the permanent custody of a 708
government agency or a person other than the child's natural or 709
adoptive parent, "parent" means the parent who was divested of 710
parental rights and responsibilities for the care of the child and 711
the right to have the child live with the parent and be the legal 712
custodian of the child and all residual parental rights, 713
privileges, and responsibilities. 714

(b) When a child is the subject of a power of attorney 715
executed under sections 3109.51 to 3109.62 of the Revised Code, 716
"parent" means the grandparent designated as attorney in fact 717
under the power of attorney. When a child is the subject of a 718
caretaker authorization affidavit executed under sections 3109.64 719
to 3109.73 of the Revised Code, "parent" means the grandparent 720
that executed the affidavit. 721

(2) "Legal custody," "permanent custody," and "residual 722

parental rights, privileges, and responsibilities" have the same 723
meanings as in section 2151.011 of the Revised Code. 724

(3) "School district" or "district" means a city, local, or 725
exempted village school district and excludes any school operated 726
in an institution maintained by the department of youth services. 727

(4) Except as used in division (C)(2) of this section, "home" 728
means a home, institution, foster home, group home, or other 729
residential facility in this state that receives and cares for 730
children, to which any of the following applies: 731

(a) The home is licensed, certified, or approved for such 732
purpose by the state or is maintained by the department of youth 733
services. 734

(b) The home is operated by a person who is licensed, 735
certified, or approved by the state to operate the home for such 736
purpose. 737

(c) The home accepted the child through a placement by a 738
person licensed, certified, or approved to place a child in such a 739
home by the state. 740

(d) The home is a children's home created under section 741
5153.21 or 5153.36 of the Revised Code. 742

(5) "Agency" means all of the following: 743

(a) A public children services agency; 744

(b) An organization that holds a certificate issued by the 745
Ohio department of job and family services in accordance with the 746
requirements of section 5103.03 of the Revised Code and assumes 747
temporary or permanent custody of children through commitment, 748
agreement, or surrender, and places children in family homes for 749
the purpose of adoption; 750

(c) Comparable agencies of other states or countries that 751
have complied with applicable requirements of section 2151.39, or 752

sections 5103.20 to 5103.28 of the Revised Code. 753

(6) A child is placed for adoption if either of the following 754
occurs: 755

(a) An agency to which the child has been permanently 756
committed or surrendered enters into an agreement with a person 757
pursuant to section 5103.16 of the Revised Code for the care and 758
adoption of the child. 759

(b) The child's natural parent places the child pursuant to 760
section 5103.16 of the Revised Code with a person who will care 761
for and adopt the child. 762

(7) "Handicapped preschool child" means a handicapped child, 763
as defined by division (A) of section 3323.01 of the Revised Code, 764
who is at least three years of age but is not of compulsory school 765
age, as defined in section 3321.01 of the Revised Code, and who is 766
not currently enrolled in kindergarten. 767

(8) "Child," unless otherwise indicated, includes handicapped 768
preschool children. 769

(B) Except as otherwise provided in section 3321.01 of the 770
Revised Code for admittance to kindergarten and first grade, a 771
child who is at least five but under twenty-two years of age and 772
any handicapped preschool child shall be admitted to school as 773
provided in this division. 774

(1) A child shall be admitted to the schools of the school 775
district in which the child's parent resides. 776

(2) A child who does not reside in the district where the 777
child's parent resides shall be admitted to the schools of the 778
district in which the child resides if any of the following 779
applies: 780

(a) The child is in the legal or permanent custody of a 781
government agency or a person other than the child's natural or 782

adoptive parent.	783
(b) The child resides in a home.	784
(c) The child requires special education.	785
(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:	786 787 788 789 790 791
(a) The placement for adoption has been terminated.	792
(b) Another school district is required to admit the child under division (B)(1) of this section.	793 794
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.	795 796 797 798 799
(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:	800 801 802 803
(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.	804 805 806 807 808
(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:	809 810 811 812

(a) The district in which the child's parent resided at the 813
time the court removed the child from home or at the time the 814
court vested legal or permanent custody of the child in the person 815
or government agency, whichever occurred first; 816

(b) If the parent's residence at the time the court removed 817
the child from home or placed the child in the legal or permanent 818
custody of the person or government agency is unknown, tuition 819
shall be paid by the district in which the child resided at the 820
time the child was removed from home or placed in legal or 821
permanent custody, whichever occurred first; 822

(c) If a school district cannot be established under division 823
(C)(2)(a) or (b) of this section, tuition shall be paid by the 824
district determined as required by section 2151.357 of the Revised 825
Code by the court at the time it vests custody of the child in the 826
person or government agency; 827

(d) If at the time the court removed the child from home or 828
vested legal or permanent custody of the child in the person or 829
government agency, whichever occurred first, one parent was in a 830
residential or correctional facility or a juvenile residential 831
placement and the other parent, if living and not in such a 832
facility or placement, was not known to reside in this state, 833
tuition shall be paid by the district determined under division 834
(D) of section 3313.65 of the Revised Code as the district 835
required to pay any tuition while the parent was in such facility 836
or placement. 837

(3) If the child is not in the permanent or legal custody of 838
a government agency or person other than the child's parent and 839
the child resides in a home, tuition shall be paid by one of the 840
following: 841

(a) The school district in which the child's parent resides; 842

(b) If the child's parent is not a resident of this state, 843

the home in which the child resides. 844

(D) Tuition required to be paid under divisions (C)(2) and 845
(3)(a) of this section shall be computed in accordance with 846
section 3317.08 of the Revised Code. Tuition required to be paid 847
under division (C)(3)(b) of this section shall be computed in 848
accordance with section 3317.081 of the Revised Code. If a home 849
fails to pay the tuition required by division (C)(3)(b) of this 850
section, the board of education providing the education may 851
recover in a civil action the tuition and the expenses incurred in 852
prosecuting the action, including court costs and reasonable 853
attorney's fees. If the prosecuting attorney or city director of 854
law represents the board in such action, costs and reasonable 855
attorney's fees awarded by the court, based upon the prosecuting 856
attorney's, director's, or one of their designee's time spent 857
preparing and presenting the case, shall be deposited in the 858
county or city general fund. 859

(E) A board of education may enroll a child free of any 860
tuition obligation for a period not to exceed sixty days, on the 861
sworn statement of an adult resident of the district that the 862
resident has initiated legal proceedings for custody of the child. 863

(F) In the case of any individual entitled to attend school 864
under this division, no tuition shall be charged by the school 865
district of attendance and no other school district shall be 866
required to pay tuition for the individual's attendance. 867
Notwithstanding division (B), (C), or (E) of this section: 868

(1) All persons at least eighteen but under twenty-two years 869
of age who live apart from their parents, support themselves by 870
their own labor, and have not successfully completed the high 871
school curriculum or the individualized education program 872
developed for the person by the high school pursuant to section 873
3323.08 of the Revised Code, are entitled to attend school in the 874
district in which they reside. 875

(2) Any child under eighteen years of age who is married is 876
entitled to attend school in the child's district of residence. 877

(3) A child is entitled to attend school in the district in 878
which either of the child's parents is employed if the child has a 879
medical condition that may require emergency medical attention. 880
The parent of a child entitled to attend school under division 881
(F)(3) of this section shall submit to the board of education of 882
the district in which the parent is employed a statement from the 883
child's physician certifying that the child's medical condition 884
may require emergency medical attention. The statement shall be 885
supported by such other evidence as the board may require. 886

(4) Any child residing with a person other than the child's 887
parent is entitled, for a period not to exceed twelve months, to 888
attend school in the district in which that person resides if the 889
child's parent files an affidavit with the superintendent of the 890
district in which the person with whom the child is living resides 891
stating all of the following: 892

(a) That the parent is serving outside of the state in the 893
armed services of the United States; 894

(b) That the parent intends to reside in the district upon 895
returning to this state; 896

(c) The name and address of the person with whom the child is 897
living while the parent is outside the state. 898

(5) Any child under the age of twenty-two years who, after 899
the death of a parent, resides in a school district other than the 900
district in which the child attended school at the time of the 901
parent's death is entitled to continue to attend school in the 902
district in which the child attended school at the time of the 903
parent's death for the remainder of the school year, subject to 904
approval of that district board. 905

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

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

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

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

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

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

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to

attend school under division (F)(6) or (7) of this section may 937
attend without tuition obligation. A student attending a school 938
under division (F)(6) or (7) of this section shall be eligible to 939
participate in interscholastic athletics under the auspices of 940
that school, provided the board of education of the school 941
district where the student's parent resides, by a formal action, 942
releases the student to participate in interscholastic athletics 943
at the school where the student is attending, and provided the 944
student receives any authorization required by a public agency or 945
private organization of which the school district is a member 946
exercising authority over interscholastic sports. 947

(8) A child whose parent is a full-time employee of a city, 948
local, or exempted village school district, or of an educational 949
service center, may be admitted to the schools of the district 950
where the child's parent is employed, or in the case of a child 951
whose parent is employed by an educational service center, in the 952
district that serves the location where the parent's job is 953
primarily located, provided the district board of education 954
establishes such an admission policy by resolution adopted by a 955
majority of its members. Any such policy shall take effect on the 956
first day of the school year and the effective date of any 957
amendment or repeal may not be prior to the first day of the 958
subsequent school year. The policy shall be uniformly applied to 959
all such children and shall provide for the admission of any such 960
child upon request of the parent. No child may be admitted under 961
this policy after the first day of classes of any school year. 962

(9) A child who is with the child's parent under the care of 963
a shelter for victims of domestic violence, as defined in section 964
3113.33 of the Revised Code, is entitled to attend school free in 965
the district in which the child is with the child's parent, and no 966
other school district shall be required to pay tuition for the 967
child's attendance in that school district. 968

The enrollment of a child in a school district under this 969
division shall not be denied due to a delay in the school 970
district's receipt of any records required under section 3313.672 971
of the Revised Code or any other records required for enrollment. 972
Any days of attendance and any credits earned by a child while 973
enrolled in a school district under this division shall be 974
transferred to and accepted by any school district in which the 975
child subsequently enrolls. The state board of education shall 976
adopt rules to ensure compliance with this division. 977

(10) Any child under the age of twenty-two years whose parent 978
has moved out of the school district after the commencement of 979
classes in the child's senior year of high school is entitled, 980
subject to the approval of that district board, to attend school 981
in the district in which the child attended school at the time of 982
the parental move for the remainder of the school year and for one 983
additional semester or equivalent term. A district board may also 984
adopt a policy specifying extenuating circumstances under which a 985
student may continue to attend school under division (F)(10) of 986
this section for an additional period of time in order to 987
successfully complete the high school curriculum for the 988
individualized education program developed for the student by the 989
high school pursuant to section 3323.08 of the Revised Code. 990

(11) As used in this division, "grandparent" means a parent 991
of a parent of a child. A child under the age of twenty-two years 992
who is in the custody of the child's parent, resides with a 993
grandparent, and does not require special education is entitled to 994
attend the schools of the district in which the child's 995
grandparent resides, provided that, prior to such attendance in 996
any school year, the board of education of the school district in 997
which the child's grandparent resides and the board of education 998
of the school district in which the child's parent resides enter 999
into a written agreement specifying that good cause exists for 1000

such attendance, describing the nature of this good cause, and 1001
consenting to such attendance. 1002

In lieu of a consent form signed by a parent, a board of 1003
education may request the grandparent of a child attending school 1004
in the district in which the grandparent resides pursuant to 1005
division (F)(11) of this section to complete any consent form 1006
required by the district, including any authorization required by 1007
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 1008
Upon request, the grandparent shall complete any consent form 1009
required by the district. A school district shall not incur any 1010
liability solely because of its receipt of a consent form from a 1011
grandparent in lieu of a parent. 1012

Division (F)(11) of this section does not create, and shall 1013
not be construed as creating, a new cause of action or substantive 1014
legal right against a school district, a member of a board of 1015
education, or an employee of a school district. This section does 1016
not affect, and shall not be construed as affecting, any 1017
immunities from defenses to tort liability created or recognized 1018
by Chapter 2744. of the Revised Code for a school district, 1019
member, or employee. 1020

(12) A child under the age of twenty-two years is entitled to 1021
attend school in a school district other than the district in 1022
which the child is entitled to attend school under division (B), 1023
(C), or (E) of this section provided that, prior to such 1024
attendance in any school year, both of the following occur: 1025

(a) The superintendent of the district in which the child is 1026
entitled to attend school under division (B), (C), or (E) of this 1027
section contacts the superintendent of another district for 1028
purposes of this division; 1029

(b) The superintendents of both districts enter into a 1030
written agreement that consents to the attendance and specifies 1031

that the purpose of such attendance is to protect the student's 1032
physical or mental well-being or to deal with other extenuating 1033
circumstances deemed appropriate by the superintendents. 1034

While an agreement is in effect under this division for a 1035
student who is not receiving special education under Chapter 3323. 1036
of the Revised Code and notwithstanding Chapter 3327. of the 1037
Revised Code, the board of education of neither school district 1038
involved in the agreement is required to provide transportation 1039
for the student to and from the school where the student attends. 1040

A student attending a school of a district pursuant to this 1041
division shall be allowed to participate in all student 1042
activities, including interscholastic athletics, at the school 1043
where the student is attending on the same basis as any student 1044
who has always attended the schools of that district while of 1045
compulsory school age. 1046

(13) All school districts shall comply with the 1047
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 1048
seq., for the education of homeless children. Each city, local, 1049
and exempted village school district shall comply with the 1050
requirements of that act governing the provision of a free, 1051
appropriate public education, including public preschool, to each 1052
homeless child. 1053

When a child loses permanent housing and becomes a homeless 1054
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 1055
such a homeless person changes temporary living arrangements, the 1056
child's parent or guardian shall have the option of enrolling the 1057
child in either of the following: 1058

(a) The child's school of origin, as defined in 42 U.S.C.A. 1059
11432(g)(3)(C); 1060

(b) The school that is operated by the school district in 1061
which the shelter where the child currently resides is located and 1062

that serves the geographic area in which the shelter is located. 1063

(G) A board of education, after approving admission, may 1064
waive tuition for students who will temporarily reside in the 1065
district and who are either of the following: 1066

(1) Residents or domiciliaries of a foreign nation who 1067
request admission as foreign exchange students; 1068

(2) Residents or domiciliaries of the United States but not 1069
of Ohio who request admission as participants in an exchange 1070
program operated by a student exchange organization. 1071

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1072
3327.04, and 3327.06 of the Revised Code, a child may attend 1073
school or participate in a special education program in a school 1074
district other than in the district where the child is entitled to 1075
attend school under division (B) of this section. 1076

(I)(1) Notwithstanding anything to the contrary in this 1077
section or section 3313.65 of the Revised Code, a child under 1078
twenty-two years of age may attend school in the school district 1079
in which the child, at the end of the first full week of October 1080
of the school year, was entitled to attend school as otherwise 1081
provided under this section or section 3313.65 of the Revised 1082
Code, if at that time the child was enrolled in the schools of the 1083
district but since that time the child or the child's parent has 1084
relocated to a new address located outside of that school district 1085
and within the same county as the child's or parent's address 1086
immediately prior to the relocation. The child may continue to 1087
attend school in the district, and at the school to which the 1088
child was assigned at the end of the first full week of October of 1089
the current school year, for the balance of the school year. 1090
Division (I)(1) of this section applies only if both of the 1091
following conditions are satisfied: 1092

(a) The board of education of the school district in which 1093

the child was entitled to attend school at the end of the first 1094
full week in October and of the district to which the child or 1095
child's parent has relocated each has adopted a policy to enroll 1096
children described in division (I)(1) of this section. 1097

(b) The child's parent provides written notification of the 1098
relocation outside of the school district to the superintendent of 1099
each of the two school districts. 1100

(2) At the beginning of the school year following the school 1101
year in which the child or the child's parent relocated outside of 1102
the school district as described in division (I)(1) of this 1103
section, the child is not entitled to attend school in the school 1104
district under that division. 1105

(3) Any person or entity owing tuition to the school district 1106
on behalf of the child at the end of the first full week in 1107
October, as provided in division (C) of this section, shall 1108
continue to owe such tuition to the district for the child's 1109
attendance under division (I)(1) of this section for the lesser of 1110
the balance of the school year or the balance of the time that the 1111
child attends school in the district under division (I)(1) of this 1112
section. 1113

(4) A pupil who may attend school in the district under 1114
division (I)(1) of this section shall be entitled to 1115
transportation services pursuant to an agreement between the 1116
district and the district in which the child or child's parent has 1117
relocated unless the districts have not entered into such 1118
agreement, in which case the child shall be entitled to 1119
transportation services in the same manner as a pupil attending 1120
school in the district under interdistrict open enrollment as 1121
described in division (H) of section 3313.981 of the Revised Code, 1122
regardless of whether the district has adopted an open enrollment 1123
policy as described in division (B)(1)(b) or (c) of section 1124

3313.98 of the Revised Code. 1125

(J) This division does not apply to a child receiving special 1126
education. 1127

A school district required to pay tuition pursuant to 1128
division (C)(2) or (3) of this section or section 3313.65 of the 1129
Revised Code shall have an amount deducted under division (F) of 1130
section 3317.023 of the Revised Code equal to its own tuition rate 1131
for the same period of attendance. A school district entitled to 1132
receive tuition pursuant to division (C)(2) or (3) of this section 1133
or section 3313.65 of the Revised Code shall have an amount 1134
credited under division (F) of section 3317.023 of the Revised 1135
Code equal to its own tuition rate for the same period of 1136
attendance. If the tuition rate credited to the district of 1137
attendance exceeds the rate deducted from the district required to 1138
pay tuition, the department of education shall pay the district of 1139
attendance the difference from amounts deducted from all 1140
districts' payments under division (F) of section 3317.023 of the 1141
Revised Code but not credited to other school districts under such 1142
division and from appropriations made for such purpose. The 1143
treasurer of each school district shall, by the fifteenth day of 1144
January and July, furnish the superintendent of public instruction 1145
a report of the names of each child who attended the district's 1146
schools under divisions (C)(2) and (3) of this section or section 1147
3313.65 of the Revised Code during the preceding six calendar 1148
months, the duration of the attendance of those children, the 1149
school district responsible for tuition on behalf of the child, 1150
and any other information that the superintendent requires. 1151

Upon receipt of the report the superintendent, pursuant to 1152
division (F) of section 3317.023 of the Revised Code, shall deduct 1153
each district's tuition obligations under divisions (C)(2) and (3) 1154
of this section or section 3313.65 of the Revised Code and pay to 1155
the district of attendance that amount plus any amount required to 1156

be paid by the state. 1157

(K) In the event of a disagreement, the superintendent of 1158
public instruction shall determine the school district in which 1159
the parent resides. 1160

(L) Nothing in this section requires or authorizes, or shall 1161
be construed to require or authorize, the admission to a public 1162
school in this state of a pupil who has been permanently excluded 1163
from public school attendance by the superintendent of public 1164
instruction pursuant to sections 3301.121 and 3313.662 of the 1165
Revised Code. 1166

Sec. 3313.649. (A) As used in this section: 1167

(1) "Power of attorney" means a power of attorney created 1168
under section 3109.52 of the Revised Code. 1169

(2) "Caretaker authorization affidavit" means an affidavit 1170
executed under section 3109.67 of the Revised Code. 1171

(B) The grandparent who is attorney in fact under a power of 1172
attorney or the grandparent that executed a caretaker 1173
authorization affidavit may enroll the child who is the subject of 1174
the power of attorney or affidavit in a school in the school 1175
district in which the grandparent resides. Unless another reason 1176
exists under the Revised Code to exclude the child, the child may 1177
attend the schools of the school district in which the grandparent 1178
resides. 1179

Sec. 3313.66. (A) Except as provided under division (B)(2) of 1180
this section, the superintendent of schools of a city, exempted 1181
village, or local school district, or the principal of a public 1182
school may suspend a pupil from school for not more than ten 1183
school days. The board of education of a city, exempted village, 1184
or local school district may adopt a policy granting assistant 1185
principals and other administrators the authority to suspend a 1186

pupil from school for a period of time as specified in the policy 1187
of the board of education, not to exceed ten school days. If at 1188
the time a suspension is imposed there are fewer than ten school 1189
days remaining in the school year in which the incident that gives 1190
rise to the suspension takes place, the superintendent may apply 1191
any remaining part or all of the period of the suspension to the 1192
following school year. Except in the case of a pupil given an 1193
in-school suspension, no pupil shall be suspended unless prior to 1194
the suspension such superintendent or principal does both of the 1195
following: 1196

(1) Gives the pupil written notice of the intention to 1197
suspend the pupil and the reasons for the intended suspension and, 1198
if the proposed suspension is based on a violation listed in 1199
division (A) of section 3313.662 of the Revised Code and if the 1200
pupil is sixteen years of age or older, includes in the notice a 1201
statement that the superintendent may seek to permanently exclude 1202
the pupil if the pupil is convicted of or adjudicated a delinquent 1203
child for that violation; 1204

(2) Provides the pupil an opportunity to appear at an 1205
informal hearing before the principal, assistant principal, 1206
superintendent, or superintendent's designee and challenge the 1207
reason for the intended suspension or otherwise to explain the 1208
pupil's actions. 1209

(B)(1) Except as provided under division (B)(2), (3), or (4) 1210
of this section, the superintendent of schools of a city, exempted 1211
village, or local school district may expel a pupil from school 1212
for a period not to exceed the greater of eighty school days or 1213
the number of school days remaining in the semester or term in 1214
which the incident that gives rise to the expulsion takes place, 1215
unless the expulsion is extended pursuant to division (F) of this 1216
section. If at the time an expulsion is imposed there are fewer 1217

than eighty school days remaining in the school year in which the 1218
incident that gives rise to the expulsion takes place, the 1219
superintendent may apply any remaining part or all of the period 1220
of the expulsion to the following school year. 1221

(2)(a) Unless a pupil is permanently excluded pursuant to 1222
section 3313.662 of the Revised Code, the superintendent of 1223
schools of a city, exempted village, or local school district 1224
shall expel a pupil from school for a period of one year for 1225
bringing a firearm to a school operated by the board of education 1226
of the district or onto any other property owned or controlled by 1227
the board, except that the superintendent may reduce this 1228
requirement on a case-by-case basis in accordance with the policy 1229
adopted by the board under section 3313.661 of the Revised Code. 1230

(b) The superintendent of schools of a city, exempted 1231
village, or local school district may expel a pupil from school 1232
for a period of one year for bringing a firearm to an 1233
interscholastic competition, an extracurricular event, or any 1234
other school program or activity that is not located in a school 1235
or on property that is owned or controlled by the district. The 1236
superintendent may reduce this disciplinary action on a 1237
case-by-case basis in accordance with the policy adopted by the 1238
board under section 3313.661 of the Revised Code. 1239

(c) Any expulsion pursuant to division (B)(2) of this section 1240
shall extend, as necessary, into the school year following the 1241
school year in which the incident that gives rise to the expulsion 1242
takes place. As used in this division, "firearm" has the same 1243
meaning as provided pursuant to the "Gun-Free Schools Act of 1244
1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2). 1245

(3) The board of education of a city, exempted village, or 1246
local school district may adopt a resolution authorizing the 1247
superintendent of schools to expel a pupil from school for a 1248
period not to exceed one year for bringing a knife to a school 1249

operated by the board, onto any other property owned or controlled 1250
by the board, or to an interscholastic competition, an 1251
extracurricular event, or any other program or activity sponsored 1252
by the school district or in which the district is a participant, 1253
or for possessing a firearm or knife at a school, on any other 1254
property owned or controlled by the board, or at an 1255
interscholastic competition, an extracurricular event, or any 1256
other school program or activity, which firearm or knife was 1257
initially brought onto school board property by another person. 1258
The resolution may authorize the superintendent to extend such an 1259
expulsion, as necessary, into the school year following the school 1260
year in which the incident that gives rise to the expulsion takes 1261
place. 1262

(4) The board of education of a city, exempted village, or 1263
local school district may adopt a resolution establishing a policy 1264
under section 3313.661 of the Revised Code that authorizes the 1265
superintendent of schools to expel a pupil from school for a 1266
period not to exceed one year for committing an act that is a 1267
criminal offense when committed by an adult and that results in 1268
serious physical harm to persons as defined in division (A)(5) of 1269
section 2901.01 of the Revised Code or serious physical harm to 1270
property as defined in division (A)(6) of section 2901.01 of the 1271
Revised Code while the pupil is at school, on any other property 1272
owned or controlled by the board, or at an interscholastic 1273
competition, an extracurricular event, or any other school program 1274
or activity. Any expulsion under this division shall extend, as 1275
necessary, into the school year following the school year in which 1276
the incident that gives rise to the expulsion takes place. 1277

(5) The board of education of any city, exempted village, or 1278
local school district may adopt a resolution establishing a policy 1279
under section 3313.661 of the Revised Code that authorizes the 1280
superintendent of schools to expel a pupil from school for a 1281

period not to exceed one year for making a bomb threat to a school 1282
building or to any premises at which a school activity is 1283
occurring at the time of the threat. Any expulsion under this 1284
division shall extend, as necessary, into the school year 1285
following the school year in which the incident that gives rise to 1286
the expulsion takes place. 1287

(6) No pupil shall be expelled under division (B)(1), (2), 1288
(3), (4), or (5) of this section unless, prior to the pupil's 1289
expulsion, the superintendent does both of the following: 1290

(a) Gives the pupil and the pupil's parent, guardian, or 1291
custodian written notice of the intention to expel the pupil; 1292

(b) Provides the pupil and the pupil's parent, guardian, 1293
custodian, or representative an opportunity to appear in person 1294
before the superintendent or the superintendent's designee to 1295
challenge the reasons for the intended expulsion or otherwise to 1296
explain the pupil's actions. 1297

The notice required in this division shall include the 1298
reasons for the intended expulsion, notification of the 1299
opportunity of the pupil and the pupil's parent, guardian, 1300
custodian, or representative to appear before the superintendent 1301
or the superintendent's designee to challenge the reasons for the 1302
intended expulsion or otherwise to explain the pupil's action, and 1303
notification of the time and place to appear. The time to appear 1304
shall not be earlier than three nor later than five school days 1305
after the notice is given, unless the superintendent grants an 1306
extension of time at the request of the pupil or the pupil's 1307
parent, guardian, custodian, or representative. If an extension is 1308
granted after giving the original notice, the superintendent shall 1309
notify the pupil and the pupil's parent, guardian, custodian, or 1310
representative of the new time and place to appear. If the 1311
proposed expulsion is based on a violation listed in division (A) 1312
of section 3313.662 of the Revised Code and if the pupil is 1313

sixteen years of age or older, the notice shall include a 1314
statement that the superintendent may seek to permanently exclude 1315
the pupil if the pupil is convicted of or adjudicated a delinquent 1316
child for that violation. 1317

(7) A superintendent of schools of a city, exempted village, 1318
or local school district shall initiate expulsion proceedings 1319
pursuant to this section with respect to any pupil who has 1320
committed an act warranting expulsion under the district's policy 1321
regarding expulsion even if the pupil has withdrawn from school 1322
for any reason after the incident that gives rise to the hearing 1323
but prior to the hearing or decision to impose the expulsion. If, 1324
following the hearing, the pupil would have been expelled for a 1325
period of time had the pupil still been enrolled in the school, 1326
the expulsion shall be imposed for the same length of time as on a 1327
pupil who has not withdrawn from the school. 1328

(C) If a pupil's presence poses a continuing danger to 1329
persons or property or an ongoing threat of disrupting the 1330
academic process taking place either within a classroom or 1331
elsewhere on the school premises, the superintendent or a 1332
principal or assistant principal may remove a pupil from 1333
curricular activities or from the school premises, and a teacher 1334
may remove a pupil from curricular activities under the teacher's 1335
supervision, without the notice and hearing requirements of 1336
division (A) or (B) of this section. As soon as practicable after 1337
making such a removal, the teacher shall submit in writing to the 1338
principal the reasons for such removal. 1339

If a pupil is removed under this division from a curricular 1340
activity or from the school premises, written notice of the 1341
hearing and of the reason for the removal shall be given to the 1342
pupil as soon as practicable prior to the hearing, which shall be 1343
held within three school days from the time the initial removal is 1344
ordered. The hearing shall be held in accordance with division (A) 1345

of this section unless it is probable that the pupil may be 1346
subject to expulsion, in which case a hearing in accordance with 1347
division (B) of this section shall be held, except that the 1348
hearing shall be held within three school days of the initial 1349
removal. The individual who ordered, caused, or requested the 1350
removal to be made shall be present at the hearing. 1351

If the superintendent or the principal reinstates a pupil in 1352
a curricular activity under the teacher's supervision prior to the 1353
hearing following a removal under this division, the teacher, upon 1354
request, shall be given in writing the reasons for such 1355
reinstatement. 1356

(D) The superintendent or principal, within one school day 1357
after the time of a pupil's expulsion or suspension, shall notify 1358
in writing the parent, guardian, or custodian of the pupil and the 1359
treasurer of the board of education of the expulsion or 1360
suspension. The notice shall include the reasons for the expulsion 1361
or suspension, notification of the right of the pupil or the 1362
pupil's parent, guardian, or custodian to appeal the expulsion or 1363
suspension to the board of education or to its designee, to be 1364
represented in all appeal proceedings, to be granted a hearing 1365
before the board or its designee in order to be heard against the 1366
suspension or expulsion, and to request that the hearing be held 1367
in executive session, notification that the expulsion may be 1368
subject to extension pursuant to division (F) of this section if 1369
the pupil is sixteen years of age or older, and notification that 1370
the superintendent may seek the pupil's permanent exclusion if the 1371
suspension or expulsion was based on a violation listed in 1372
division (A) of section 3313.662 of the Revised Code that was 1373
committed when the child was sixteen years of age or older and if 1374
the pupil is convicted of or adjudicated a delinquent child for 1375
that violation. 1376

Any superintendent expelling a pupil under this section for 1377

more than twenty school days or for any period of time if the 1378
expulsion will extend into the following semester or school year 1379
shall, in the notice required under this division, provide the 1380
pupil and the pupil's parent, guardian, or custodian with 1381
information about services or programs offered by public and 1382
private agencies that work toward improving those aspects of the 1383
pupil's attitudes and behavior that contributed to the incident 1384
that gave rise to the pupil's expulsion. The information shall 1385
include the names, addresses, and phone numbers of the appropriate 1386
public and private agencies. 1387

(E) A pupil or the pupil's parent, guardian, or custodian may 1388
appeal the pupil's expulsion by a superintendent or suspension by 1389
a superintendent, principal, assistant principal, or other 1390
administrator to the board of education or to its designee. The 1391
pupil or the pupil's parent, guardian, or custodian may be 1392
represented in all appeal proceedings and shall be granted a 1393
hearing before the board or its designee in order to be heard 1394
against the suspension or expulsion. At the request of the pupil 1395
or of the pupil's parent, guardian, custodian, or attorney, the 1396
board or its designee may hold the hearing in executive session 1397
but shall act upon the suspension or expulsion only at a public 1398
meeting. The board, by a majority vote of its full membership or 1399
by the action of its designee, may affirm the order of suspension 1400
or expulsion, reinstate the pupil, or otherwise reverse, vacate, 1401
or modify the order of suspension or expulsion. 1402

The board or its designee shall make a verbatim record of 1403
hearings held under this division. The decisions of the board or 1404
its designee may be appealed under Chapter 2506. of the Revised 1405
Code. 1406

This section shall not be construed to require notice and 1407
hearing in accordance with division (A), (B), or (C) of this 1408
section in the case of normal disciplinary procedures in which a 1409

pupil is removed from a curricular activity for a period of less 1410
than one school day and is not subject to suspension or expulsion. 1411

(F)(1) If a pupil is expelled pursuant to division (B) of 1412
this section for committing any violation listed in division (A) 1413
of section 3313.662 of the Revised Code and the pupil was sixteen 1414
years of age or older at the time of committing the violation, if 1415
a complaint, indictment, or information is filed alleging that the 1416
pupil is a delinquent child based upon the commission of the 1417
violation or the pupil is prosecuted as an adult for the 1418
commission of the violation, and if the resultant juvenile court 1419
or criminal proceeding is pending at the time that the expulsion 1420
terminates, the superintendent of schools that expelled the pupil 1421
may file a motion with the court in which the proceeding is 1422
pending requesting an order extending the expulsion for the lesser 1423
of an additional eighty days or the number of school days 1424
remaining in the school year. Upon the filing of the motion, the 1425
court immediately shall schedule a hearing and give written notice 1426
of the time, date, and location of the hearing to the 1427
superintendent and to the pupil and the pupil's parent, guardian, 1428
or custodian. At the hearing, the court shall determine whether 1429
there is reasonable cause to believe that the pupil committed the 1430
alleged violation that is the basis of the expulsion and, upon 1431
determining that reasonable cause to believe the pupil committed 1432
the violation does exist, shall grant the requested extension. 1433

(2) If a pupil has been convicted of or adjudicated a 1434
delinquent child for a violation listed in division (A) of section 1435
3313.662 of the Revised Code for an act that was committed when 1436
the child was sixteen years of age or older, if the pupil has been 1437
expelled pursuant to division (B) of this section for that 1438
violation, and if the board of education of the school district of 1439
the school from which the pupil was expelled has adopted a 1440
resolution seeking the pupil's permanent exclusion, the 1441

superintendent may file a motion with the court that convicted the 1442
pupil or adjudicated the pupil a delinquent child requesting an 1443
order to extend the expulsion until an adjudication order or other 1444
determination regarding permanent exclusion is issued by the 1445
superintendent of public instruction pursuant to section 3301.121 1446
and division (D) of section 3313.662 of the Revised Code. Upon the 1447
filing of the motion, the court immediately shall schedule a 1448
hearing and give written notice of the time, date, and location of 1449
the hearing to the superintendent of the school district, the 1450
pupil, and the pupil's parent, guardian, or custodian. At the 1451
hearing, the court shall determine whether there is reasonable 1452
cause to believe the pupil's continued attendance in the public 1453
school system may endanger the health and safety of other pupils 1454
or school employees and, upon making that determination, shall 1455
grant the requested extension. 1456

(G) The failure of the superintendent or the board of 1457
education to provide the information regarding the possibility of 1458
permanent exclusion in the notice required by divisions (A), (B), 1459
and (D) of this section is not jurisdictional, and the failure 1460
shall not affect the validity of any suspension or expulsion 1461
procedure that is conducted in accordance with this section or the 1462
validity of a permanent exclusion procedure that is conducted in 1463
accordance with sections 3301.121 and 3313.662 of the Revised 1464
Code. 1465

(H) With regard to suspensions and expulsions pursuant to 1466
divisions (A) and (B) of this section by the board of education of 1467
any city, exempted village, or local school district, this section 1468
shall apply to any student, whether or not the student is enrolled 1469
in the district, attending or otherwise participating in any 1470
curricular program provided in a school operated by the board or 1471
provided on any other property owned or controlled by the board. 1472

(I) Whenever a student is expelled under this section, the 1473

expulsion shall result in removal of the student from the 1474
student's regular school setting. However, during the period of 1475
the expulsion, the board of education of the school district that 1476
expelled the student or any board of education admitting the 1477
student during that expulsion period may provide educational 1478
services to the student in an alternative setting. 1479

(J)(1) Notwithstanding ~~section~~ sections 3109.51 to 3109.80, 1480
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1481
after offering an opportunity for a hearing, may temporarily deny 1482
admittance to any pupil if one of the following applies: 1483

(a) The pupil has been suspended from the schools of another 1484
district under division (A) of this section and the period of 1485
suspension, as established under that division, has not expired; 1486

(b) The pupil has been expelled from the schools of another 1487
district under division (B) of this section and the period of the 1488
expulsion, as established under that division or as extended under 1489
division (F) of this section, has not expired. 1490

If a pupil is temporarily denied admission under this 1491
division, the pupil shall be admitted to school in accordance with 1492
~~section~~ sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 1493
Revised Code no later than upon expiration of the suspension or 1494
expulsion period, as applicable. 1495

(2) Notwithstanding ~~section~~ sections 3109.51 to 3109.80, 1496
3313.64 ~~or,~~ and 3313.65 of the Revised Code, any school district, 1497
after offering an opportunity for a hearing, may temporarily deny 1498
admittance to any pupil if the pupil has been expelled or 1499
otherwise removed for disciplinary purposes from a public school 1500
in another state and the period of expulsion or removal has not 1501
expired. If a pupil is temporarily denied admission under this 1502
division, the pupil shall be admitted to school in accordance with 1503
~~section~~ sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 1504

Revised Code no later than the earlier of the following:	1505
(a) Upon expiration of the expulsion or removal period imposed by the out-of-state school;	1506 1507
(b) Upon expiration of a period established by the district, beginning with the date of expulsion or removal from the out-of-state school, that is no greater than the period of expulsion that the pupil would have received under the policy adopted by the district under section 3313.661 of the Revised Code had the offense that gave rise to the expulsion or removal by the out-of-state school been committed while the pupil was enrolled in the district.	1508 1509 1510 1511 1512 1513 1514 1515
(K) As used in this section:	1516
(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.	1517 1518
(2) "In-school suspension" means the pupil will serve all of the suspension in a school setting.	1519 1520
 Sec. 3313.672. (A)(1) At the time of his initial entry to a public or nonpublic school, a pupil shall present to the person in charge of admission any records given him <u>the pupil</u> by the public or nonpublic elementary or secondary school he <u>the pupil</u> most recently attended; a certified copy of an order or decree, or modification of such an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child, as provided in division (B) of this section, if that type of order or decree has been issued; <u>a copy of a power of attorney or caretaker authorization affidavit, if either has been executed with respect to the child pursuant to sections 3109.51 to 3109.80 of the Revised Code;</u> and a certification of birth issued pursuant to Chapter 3705. of the Revised Code, a comparable certificate or	1521 1522 1523 1524 1525 1526 1527 1528 1529 1530 1531 1532 1533 1534

certification issued pursuant to the statutes of another state, 1535
territory, possession, or nation, or a document in lieu of a 1536
certificate or certification as described in divisions (A)(1)(a) 1537
to (e) of this section. Any of the following shall be accepted in 1538
lieu of a certificate or certification of birth by the person in 1539
charge of admission: 1540

(a) A passport or attested transcript of a passport filed 1541
with a registrar of passports at a point of entry of the United 1542
States showing the date and place of birth of the child; 1543

(b) An attested transcript of the certificate of birth; 1544

(c) An attested transcript of the certificate of baptism or 1545
other religious record showing the date and place of birth of the 1546
child; 1547

(d) An attested transcript of a hospital record showing the 1548
date and place of birth of the child; 1549

(e) A birth affidavit. 1550

(2) Within twenty-four hours of the entry into the school of 1551
a pupil described in division (A)(1) of this section, a school 1552
official shall request the pupil's official records from the 1553
public or nonpublic elementary or secondary school ~~he~~ the pupil 1554
most recently attended. If the public or nonpublic school the 1555
pupil claims to have most recently attended indicates that it has 1556
no record of the pupil's attendance or the records are not 1557
received within fourteen days of the date of request, or if the 1558
pupil does not present a certification of birth described in 1559
division (A)(1) of this section, a comparable certificate or 1560
certification from another state, territory, possession, or 1561
nation, or another document specified in divisions (A)(1)(a) to 1562
(d) of this section, the principal or chief administrative officer 1563
of the school shall notify the law enforcement agency having 1564

jurisdiction in the area where the pupil resides of this fact and 1565
of the possibility that the pupil may be a missing child, as 1566
defined in section 2901.30 of the Revised Code. 1567

(B)(1) Whenever an order or decree allocating parental rights 1568
and responsibilities for the care of a child and designating a 1569
residential parent and legal custodian of the child, including a 1570
temporary order, is issued resulting from an action of divorce, 1571
alimony, annulment, or dissolution of marriage, and the order or 1572
decree pertains to a child who is a pupil in a public or nonpublic 1573
school, the residential parent of the child shall notify the 1574
school of those allocations and designations by providing the 1575
person in charge of admission at the pupil's school with a 1576
certified copy of the order or decree that made the allocation and 1577
designation. Whenever there is a modification of any order or 1578
decree allocating parental rights and responsibilities for the 1579
care of a child and designating a residential parent and legal 1580
custodian of the child that has been submitted to a school, the 1581
residential parent shall provide the person in charge of admission 1582
at the pupil's school with a certified copy of the order or decree 1583
that makes the modification. 1584

(2) Whenever a power of attorney is executed under sections 1585
3109.51 to 3109.62 of the Revised Code that pertains to a child 1586
who is a pupil in a public or nonpublic school, the attorney in 1587
fact shall notify the school of the power of attorney by providing 1588
the person in charge of admission with a copy of the power of 1589
attorney. Whenever a caretaker authorization affidavit is executed 1590
under sections 3109.64 to 3109.73 of the Revised Code that 1591
pertains to a child who is in a public or nonpublic school, the 1592
grandparent who executed the affidavit shall notify the school of 1593
the affidavit by providing the person in charge of admission with 1594
a copy of the affidavit. 1595

(C) If, at the time of a pupil's initial entry to a public or 1596

nonpublic school, the pupil is under the care of a shelter for 1597
victims of domestic violence, as defined in section 3113.33 of the 1598
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 1599
school of that fact. Upon being so informed, the school shall 1600
inform the elementary or secondary school from which it requests 1601
the pupil's records of that fact. 1602

Section 2. That existing sections 3313.64, 3313.66, and 1603
3313.672 of the Revised Code are hereby repealed. 1604

Section 3. Section 3313.66 of the Revised Code is presented 1605
in this act as a composite of the section as amended by both H.B. 1606
620 and Am. Sub. S.B. 179 of the 123rd General Assembly. The 1607
General Assembly, applying the principle stated in division (B) of 1608
section 1.52 of the Revised Code that amendments are to be 1609
harmonized if reasonably capable of simultaneous operation, finds 1610
that the composite is the resulting version of the section in 1611
effect prior to the effective date of the section as presented in 1612
this act. 1613