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A B I L L

To amend sections 2151.313, 2152.72, 2930.13, 1
3301.0714, 3313.64, 3313.662, 3314.03, 3323.01, 2
and 4301.69; to amend, for the purpose of adopting 3
a new section number as indicated in parentheses, 4
section 2151.357 (2151.362); to enact new sections 5
2151.357 and 2151.358 and sections 2151.355 and 6
2151.356; and to repeal section 2151.358 of the 7
Revised Code to revise the procedure by which a 8
juvenile court may seal records of alleged and 9
adjudicated delinquent and unruly children and 10
adjudicated juvenile traffic offenders. 11

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

Section 1. That sections 2151.313, 2152.72, 2930.13, 12
3301.0714, 3313.64, 3313.662, 3314.03, 3323.01, and 4301.69 be 13
amended; that section 2151.357 (2151.362) be amended for the 14
purpose of adopting a new section number as indicated in 15
parentheses; and that new sections 2151.357 and 2151.358 and 16
sections 2151.355 and 2151.356 of the Revised Code be enacted to 17
read as follows: 18

Sec. 2151.313. (A)(1) Except as provided in division (A)(2)	19
of this section and in sections 109.57, 109.60, and 109.61 of the	20
Revised Code, no child shall be fingerprinted or photographed in	21
the investigation of any violation of law without the consent of	22
the juvenile judge.	23
(2) Subject to division (A)(3) of this section, a law	24
enforcement officer may fingerprint and photograph a child without	25
the consent of the juvenile judge when the child is arrested or	26
otherwise taken into custody for the commission of an act that	27
would be an offense, other than a traffic offense or a minor	28
misdemeanor, if committed by an adult, and there is probable cause	29
to believe that the child may have been involved in the commission	30
of the act. A law enforcement officer who takes fingerprints or	31
photographs of a child under division (A)(2) of this section	32
immediately shall inform the juvenile court that the fingerprints	33
or photographs were taken and shall provide the court with the	34
identity of the child, the number of fingerprints and photographs	35
taken, and the name and address of each person who has custody and	36
control of the fingerprints or photographs or copies of the	37
fingerprints or photographs.	38
(3) This section does not apply to a child to whom either of	39
the following applies:	40
(a) The child has been arrested or otherwise taken into	41
custody for committing, or has been adjudicated a delinquent child	42
for committing, an act that would be a felony if committed by an	43
adult or has been convicted of or pleaded guilty to committing a	44
felony.	45
(b) There is probable cause to believe that the child may	46
have committed an act that would be a felony if committed by an	47
adult.	48

(B)(1) Subject to divisions (B)(4), (5), and (6) of this section, all fingerprints and photographs of a child obtained or taken under division (A)(1) or (2) of this section, and any records of the arrest or custody of the child that was the basis for the taking of the fingerprints or photographs, initially may be retained only until the expiration of thirty days after the date taken, except that the court may limit the initial retention of fingerprints and photographs of a child obtained under division (A)(1) of this section to a shorter period of time and except that, if the child is adjudicated a delinquent child for the commission of an act described in division (B)(3) of this section or is convicted of or pleads guilty to a criminal offense for the commission of an act described in division (B)(3) of this section, the fingerprints and photographs, and the records of the arrest or custody of the child that was the basis for the taking of the fingerprints and photographs, shall be retained in accordance with division (B)(3) of this section. During the initial period of retention, the fingerprints and photographs of a child, copies of the fingerprints and photographs, and records of the arrest or custody of the child shall be used or released only in accordance with division (C) of this section. At the expiration of the initial period for which fingerprints and photographs of a child, copies of fingerprints and photographs of a child, and records of the arrest or custody of a child may be retained under this division, if no complaint, indictment, or information is pending against the child in relation to the act for which the fingerprints and photographs originally were obtained or taken and if the child has neither been adjudicated a delinquent child for the commission of that act nor been convicted of or pleaded guilty to a criminal offense based on that act subsequent to a transfer of the child's case for criminal prosecution pursuant to section 2152.12 of the Revised Code, the fingerprints and photographs of the child, all copies of the fingerprints and photographs, and all	49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81
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records of the arrest or custody of the child that was the basis	82
of the taking of the fingerprints and photographs shall be removed	83
from the file and delivered to the juvenile court.	84
(2) If, at the expiration of the initial period of retention	85
set forth in division (B)(1) of this section, a complaint,	86
indictment, or information is pending against <u>against</u> the child in	87
relation to the act for which the fingerprints and photographs	88
originally were obtained or the child either has been adjudicated	89
a delinquent child for the commission of an act other than an act	90
described in division (B)(3) of this section or has been convicted	91
of or pleaded guilty to a criminal offense for the commission of	92
an act other than an act described in division (B)(3) of this	93
section subsequent to transfer of the child's case, the	94
fingerprints and photographs of the child, copies of the	95
fingerprints and photographs, and the records of the arrest or	96
custody of the child that was the basis of the taking of the	97
fingerprints and photographs may further be retained, subject to	98
division (B)(4) of this section, until the earlier of the	99
expiration of two years after the date on which the fingerprints	100
or photographs were taken or the child attains eighteen years of	101
age, except that, if the child is adjudicated a delinquent child	102
for the commission of an act described in division (B)(3) of this	103
section or is convicted of or pleads guilty to a criminal offense	104
for the commission of an act described in division (B)(3) of this	105
section, the fingerprints and photographs, and the records of the	106
arrest or custody of the child that was the basis for the taking	107
of the fingerprints and photographs, shall be retained in	108
accordance with division (B)(3) of this section.	109
Except as otherwise provided in division (B)(3) of this	110
section, during this additional period of retention, the	111
fingerprints and photographs of a child, copies of the	112
fingerprints and photographs of a child, and records of the arrest	113

or custody of a child shall be used or released only in accordance 114
with division (C) of this section. At the expiration of the 115
additional period, if no complaint, indictment, or information is 116
pending against the child in relation to the act for which the 117
fingerprints originally were obtained or taken or in relation to 118
another act for which the fingerprints were used as authorized by 119
division (C) of this section and that would be a felony if 120
committed by an adult, the fingerprints of the child, all copies 121
of the fingerprints, and all records of the arrest or custody of 122
the child that was the basis of the taking of the fingerprints 123
shall be removed from the file and delivered to the juvenile 124
court, and, if no complaint, indictment, or information is pending 125
against the child concerning the act for which the photographs 126
originally were obtained or taken or concerning an act that would 127
be a felony if committed by an adult, the photographs and all 128
copies of the photographs, and, if no fingerprints were taken at 129
the time the photographs were taken, all records of the arrest or 130
custody that was the basis of the taking of the photographs shall 131
be removed from the file and delivered to the juvenile court. In 132
either case, if, at the expiration of the applicable additional 133
period, such a complaint, indictment, or information is pending 134
against the child, the photographs and copies of the photographs 135
of the child, or the fingerprints and copies of the fingerprints 136
of the child, whichever is applicable, and the records of the 137
arrest or custody of the child may be retained, subject to 138
division (B)(4) of this section, until final disposition of the 139
complaint, indictment, or information, and, upon final disposition 140
of the complaint, indictment, or information, they shall be 141
removed from the file and delivered to the juvenile court, except 142
that, if the child is adjudicated a delinquent child for the 143
commission of an act described in division (B)(3) of this section 144
or is convicted of or pleads guilty to a criminal offense for the 145
commission of an act described in division (B)(3) of this section, 146

the fingerprints and photographs, and the records of the arrest or	147
custody of the child that was the basis for the taking of the	148
fingerprints and photographs, shall be retained in accordance with	149
division (B)(3) of this section.	150
(3) If a child is adjudicated a delinquent child for	151
violating section 2923.42 of the Revised Code or for committing an	152
act that would be a misdemeanor offense of violence if committed	153
by an adult, or is convicted of or pleads guilty to a violation of	154
section 2923.42 of the Revised Code, a misdemeanor offense of	155
violence, or a violation of an existing or former municipal	156
ordinance or law of this state, another state, or the United	157
States that is substantially equivalent to section 2923.42 of the	158
Revised Code or any misdemeanor offense of violence, both of the	159
following apply:	160
(a) Originals and copies of fingerprints and photographs of	161
the child obtained or taken under division (A)(1) of this section,	162
and any records of the arrest or custody that was the basis for	163
the taking of the fingerprints or photographs, may be retained for	164
the period of time specified by the juvenile judge in that judge's	165
grant of consent for the taking of the fingerprints or	166
photographs. Upon the expiration of the specified period, all	167
originals and copies of the fingerprints, photographs, and records	168
shall be delivered to the juvenile court or otherwise disposed of	169
in accordance with any instructions specified by the juvenile	170
judge in that judge's grant of consent. During the period of	171
retention of the photographs and records, all originals and copies	172
of them shall be retained in a file separate and apart from all	173
photographs taken of adults. During the period of retention of the	174
fingerprints, all originals and copies of them may be maintained	175
in the files of fingerprints taken of adults. If the juvenile	176
judge who grants consent for the taking of fingerprints and	177
photographs under division (A)(1) of this section does not specify	178

a period of retention in that judge's grant of consent, originals	179
and copies of the fingerprints, photographs, and records may be	180
retained in accordance with this section as if the fingerprints	181
and photographs had been taken under division (A)(2) of this	182
section.	183
(b) Originals and copies of fingerprints and photographs	184
taken under division (A)(2) of this section, and any records of	185
the arrest or custody that was the basis for the taking of the	186
fingerprints or photographs, may be retained for the period of	187
time and in the manner specified in division (B)(3)(b) of this	188
section. Prior to the child's attainment of eighteen years of age,	189
all originals and copies of the photographs and records shall be	190
retained and shall be kept in a file separate and apart from all	191
photographs taken of adults. During the period of retention of the	192
fingerprints, all originals and copies of them may be maintained	193
in the files of fingerprints taken of adults. Upon the child's	194
attainment of eighteen years of age, all originals and copies of	195
the fingerprints, photographs, and records shall be disposed of as	196
follows:	197
(i) If the juvenile judge issues or previously has issued an	198
order that specifies a manner of disposition of the originals and	199
copies of the fingerprints, photographs, and records, they shall	200
be delivered to the juvenile court or otherwise disposed of in	201
accordance with the order.	202
(ii) If the juvenile judge does not issue and has not	203
previously issued an order that specifies a manner of disposition	204
of the originals and copies of the fingerprints not maintained in	205
adult files, photographs, and records, the law enforcement agency,	206
in its discretion, either shall remove all originals and copies of	207
them from the file in which they had been maintained and transfer	208
them to the files that are used for the retention of fingerprints	209
and photographs taken of adults who are arrested for, otherwise	210

taken into custody for, or under investigation for the commission of a criminal offense or shall remove them from the file in which they had been maintained and deliver them to the juvenile court.	211 212 213
If the originals and copies of any fingerprints of a child who attains eighteen years of age are maintained in the files of fingerprints taken of adults or if pursuant to division	214 215 216
(B)(3)(b)(ii) of this section the agency transfers the originals and copies of any fingerprints not maintained in adult files, photographs, or records to the files that are used for the	217 218 219
retention of fingerprints and photographs taken of adults who are arrested for, otherwise taken into custody for, or under	220 221
investigation for the commission of a criminal offense, the	222
originals and copies of the fingerprints, photographs, and records may be maintained, used, and released after they are maintained in	223 224
the adult files or after the transfer as if the fingerprints and photographs had been taken of, and as if the records pertained to,	225 226
an adult who was arrested for, otherwise taken into custody for, or under investigation for the commission of a criminal offense.	227 228
 (4) If a sealing or expungement order issued under section <u>sections 2151.356 to 2151.358</u> of the Revised Code requires the sealing or destruction of any fingerprints or photographs of a child obtained or taken under division (A)(1) or (2) of this	229 230 231
section or of the records of an arrest or custody of a child that was the basis of the taking of the fingerprints or photographs	232 233
prior to the expiration of any period for which they otherwise could be retained under division (B)(1), (2), or (3) of this	234 235
section, the fingerprints, photographs, and arrest or custody records that are subject to the order and all copies of the	236 237
fingerprints, photographs, and arrest or custody records shall be sealed or destroyed in accordance with the order.	238 239
 (5) All fingerprints of a child, photographs of a child, records of an arrest or custody of a child, and copies delivered	240 241 242

to a juvenile court in accordance with division (B)(1), (2), or (3) of this section shall be destroyed by the court, provided that, if a complaint is filed against the child in relation to any act to which the records pertain, the court shall maintain all records of an arrest or custody of a child so delivered for at least three years after the final disposition of the case or after the case becomes inactive.	243 244 245 246 247 248 249
(6)(a) All photographs of a child and records of an arrest or custody of a child retained pursuant to division (B) of this section and not delivered to a juvenile court shall be kept in a file separate and apart from fingerprints, photographs, and records of an arrest or custody of an adult. All fingerprints of a child retained pursuant to division (B) of this section and not delivered to a juvenile court may be maintained in the files of fingerprints taken of adults.	250 251 252 253 254 255 256 257
(b) If a child who is the subject of photographs or fingerprints is adjudicated a delinquent child for the commission of an act that would be an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult or is convicted of or pleads guilty to a criminal offense, other than a traffic offense or a minor misdemeanor, all fingerprints not maintained in the files of fingerprints taken of adults and all photographs of the child, and all records of the arrest or custody of the child that is the basis of the taking of the fingerprints or photographs, that are retained pursuant to division (B) of this section and not delivered to a juvenile court shall be kept in a file separate and apart from fingerprints, photographs, and arrest and custody records of children who have not been adjudicated a delinquent child for the commission of an act that would be an offense, other than a traffic offense or a minor misdemeanor, if committed by an adult and have not been convicted of or pleaded guilty to a criminal offense other than a traffic offense or a	258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274

minor misdemeanor.	275
(C) Until they are delivered to the juvenile court or sealed, transferred in accordance with division (B)(3)(b) of this section, or destroyed pursuant to a sealing or expungement order, the originals and copies of fingerprints and photographs of a child that are obtained or taken pursuant to division (A)(1) or (2) of this section, and the records of the arrest or custody of the child that was the basis of the taking of the fingerprints or photographs, shall be used or released only as follows:	276 277 278 279 280 281 282 283
(1) During the initial thirty-day period of retention, originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, shall be used, prior to the filing of a complaint or information against or the obtaining of an indictment of the child in relation to the act for which the fingerprints and photographs were originally obtained or taken, only for the investigation of that act and shall be released, prior to the filing of the complaint, only to a court that would have jurisdiction of the child's case under this chapter. Subsequent to the filing of a complaint or information or the obtaining of an indictment, originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, shall be used or released during the initial thirty-day period of retention only as provided in division (C)(2)(a), (b), or (c) of this section.	284 285 286 287 288 289 290 291 292 293 294 295 296 297 298
(2) Originals and copies of fingerprints and photographs of a child, and records of the arrest or custody of a child, that are retained beyond the initial thirty-day period of retention subsequent to the filing of a complaint or information or the obtaining of an indictment, a delinquent child adjudication, or a conviction of or guilty plea to a criminal offense shall be used or released only as follows:	299 300 301 302 303 304 305

(a) Originals and copies of photographs of a child, and, if no fingerprints were taken at the time the photographs were taken, records of the arrest or custody of the child that was the basis of the taking of the photographs, may be used only as follows:	306
(i) They may be used for the investigation of the act for which they originally were obtained or taken; if the child who is the subject of the photographs is a suspect in the investigation, for the investigation of any act that would be an offense if committed by an adult; and for arresting or bringing the child into custody.	310
(ii) If the child who is the subject of the photographs is adjudicated a delinquent child for the commission of an act that would be a felony if committed by an adult or is convicted of or pleads guilty to a criminal offense that is a felony as a result of the arrest or custody that was the basis of the taking of the photographs, a law enforcement officer may use the photographs for a photo line-up conducted as part of the investigation of any act that would be a felony if committed by an adult, whether or not the child who is the subject of the photographs is a suspect in the investigation.	316
(b) Originals and copies of fingerprints of a child, and records of the arrest or custody of the child that was the basis of the taking of the fingerprints, may be used only for the investigation of the act for which they originally were obtained or taken; if a child is a suspect in the investigation, for the investigation of another act that would be an offense if committed by an adult; and for arresting or bringing the child into custody.	326
(c) Originals and copies of fingerprints, photographs, and records of the arrest or custody that was the basis of the taking of the fingerprints or photographs shall be released only to the following:	333

(i) Law enforcement officers of this state or a political subdivision of this state, upon notification to the juvenile court of the name and address of the law enforcement officer or agency to whom or to which they will be released;	337 338 339 340
(ii) A court that has jurisdiction of the child's case under Chapters 2151. and 2152. of the Revised Code or subsequent to a transfer of the child's case for criminal prosecution pursuant to section 2152.12 of the Revised Code.	341 342 343 344
(D) No person shall knowingly do any of the following:	345
(1) Fingerprint or photograph a child in the investigation of any violation of law other than as provided in division (A)(1) or (2) of this section or in sections 109.57, 109.60, and 109.61 of the Revised Code;	346 347 348 349
(2) Retain fingerprints or photographs of a child obtained or taken under division (A)(1) or (2) of this section, copies of fingerprints or photographs of that nature, or records of the arrest or custody that was the basis of the taking of fingerprints or photographs of that nature other than in accordance with division (B) of this section;	350 351 352 353 354 355
(3) Use or release fingerprints or photographs of a child obtained or taken under division (A)(1) or (2) of this section, copies of fingerprints or photographs of that nature, or records of the arrest or custody that was the basis of the taking of fingerprints or photographs of that nature other than in accordance with division (B) or (C) of this section.	356 357 358 359 360 361
<u>Sec. 2151.355. As used in sections 2151.356 to 2151.358 of the Revised Code:</u>	362 363
(A) <u>"Expunge"</u> means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.	364 365 366

<u>(B) "Seal a record" means to remove a record from the main file of similar records and to secure it in a separate file that contains only sealed records accessible only to the juvenile court.</u>	367 368 369 370
<u>Sec. 2151.356. (A) The records of a case in which a person was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code shall not be sealed under this section.</u>	371 372 373 374
<u>(B)(1) The juvenile court shall promptly order the immediate sealing of records pertaining to a juvenile in any of the following circumstances:</u>	375 376 377
<u>(a) If the court receives a record from a public office or agency under division (B)(2) of this section;</u>	378 379
<u>(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;</u>	380 381 382 383 384
<u>(c) If a person was charged with violating division (E)(1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E)(2)(a) of section 4301.69 of the Revised Code with respect to that charge;</u>	385 386 387 388 389
<u>(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;</u>	390 391 392 393 394
<u>(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been</u>	395 396

<u>adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.</u>	397 398 399 400
<u>(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of the act. The records delivered to the court as required under this division shall not include fingerprints, DNA specimens, and DNA records described under division (A)(3) of section 2151.357 of the Revised Code.</u>	401 402 403 404 405 406 407 408 409 410 411
<u>(C)(1) The juvenile court shall consider the sealing of records pertaining to a juvenile upon the court's own motion or upon the application of a person if the person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The motion or application may be made at any time after two years after the later of the following:</u>	412 413 414 415 416 417 418 419 420 421 422
<u>(a) The termination of any order made by the court in relation to the adjudication;</u>	423 424
<u>(b) The unconditional discharge of the person from the department of youth services with respect to a dispositional order made in relation to the adjudication or from an institution or</u>	425 426 427

<u>facility to which the person was committed pursuant to a dispositional order made in relation to the adjudication.</u>	428 429
<u>(2) In making the determination whether to seal records pursuant to division (C)(1) of this section, all of the following apply:</u>	430 431 432
<u>(a) The court may require a person filing an application under division (C)(1) of this section to submit any relevant documentation to support the application.</u>	433 434 435
<u>(b) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has been rehabilitated to a satisfactory degree.</u>	436 437 438
<u>(c) The court shall promptly notify the prosecuting attorney of any proceedings to seal records initiated pursuant to division (C)(1) of this section.</u>	439 440 441
<u>(d)(i) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the sealing proceedings.</u>	442 443 444
<u>(ii) If the prosecuting attorney does not file a response with the court or if the prosecuting attorney files a response but indicates that the prosecuting attorney does not object to the sealing of the records, the court may order the records of the person that are under consideration to be sealed without conducting a hearing on the motion or application. If the court decides in its discretion to conduct a hearing on the motion or application, the court shall conduct the hearing within thirty days after making that decision and shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration.</u>	445 446 447 448 449 450 451 452 453 454 455 456
<u>(iii) If the prosecuting attorney files a response with the</u>	457

<u>court that indicates that the prosecuting attorney objects to the sealing of the records, the court shall conduct a hearing on the motion or application within thirty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration.</u>	458 459 460 461 462 463 464
<u>(e) After conducting a hearing in accordance with division (C)(2)(d) of this section or after due consideration when a hearing is not conducted, except as provided in division (B)(1)(c) of this section, the court may order the records of the person that are the subject of the motion or application to be sealed if it finds that the person has been rehabilitated to a satisfactory degree. In determining whether the person has been rehabilitated to a satisfactory degree, the court may consider all of the following:</u>	465 466 467 468 469 470 471 472 473
<u>(i) The age of the person;</u>	474
<u>(ii) The nature of the case;</u>	475
<u>(iii) The cessation or continuation of delinquent, unruly, or criminal behavior;</u>	476 477
<u>(iv) The education and employment history of the person;</u>	478
<u>(v) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.</u>	479 480 481
<u>(D)(1)(a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains</u>	482 483 484 485 486 487

<u>what expunging a record means.</u>	488
<u>(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by certified mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.</u>	489 490 491 492 493 494 495 496
<u>(2)(a) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code, an unruly child, or a juvenile traffic offender, the juvenile court shall provide both verbal and written notice to the person that does all of the following:</u>	497 498 499 500 501 502
<u>(i) States that the person may apply to the court for an order to seal the record;</u>	503 504
<u>(ii) Explains what sealing a record means;</u>	505
<u>(iii) Explains the possible consequences of not having the record sealed;</u>	506 507
<u>(iv) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;</u>	508 509 510
<u>(v) Explains what expunging a record means.</u>	511
<u>(b) Within ninety days after the expiration of the two-year period described in division (C)(1) of this section, the juvenile court shall do either of the following:</u>	512 513 514
<u>(i) Promptly order the immediate sealing of records pertaining to the juvenile and provide written notice to the person by certified mail to the person's last known address. The</u>	515 516 517

<u>written notice shall inform the person that the person's records have been sealed, explain what sealing a record means, state that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explain what expunging a record means.</u>	518 519 520 521 522
<u>(ii) Provide written notice to the person by certified mail to the person's last known address. The written notice shall contain the same information specified under divisions (D)(2)(a)(i), (ii), (iii), (iv), and (v) of this section.</u>	523 524 525 526
<u>(3) The department of youth services and any other institution or facility that unconditionally discharges a person who has been adjudicated a delinquent child, an unruly child, or a juvenile traffic offender shall immediately give notice of the discharge to the court that committed the person. The court shall note the date of discharge on a separate record of discharges of those natures.</u>	527 528 529 530 531 532 533
<u>Sec. 2151.357. (A) If the court orders the records of a person sealed pursuant to section 2151.356 of the Revised Code, the person who is subject of the order properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter, and the court, except as provided in division (D) of this section, shall do all of the following:</u>	534 535 536 537 538 539
<u>(1) Order that the proceedings in a case described in divisions (B) and (C) of section 2151.356 of the Revised Code be deemed never to have occurred;</u>	540 541 542
<u>(2) Except as provided in division (C) of this section, delete all index references to the case and the person so that the references are permanently irretrievable;</u>	543 544 545
<u>(3) Order that all original records of the case maintained by any public office or agency, except fingerprints held by a law</u>	546 547

<u>enforcement agency, DNA specimens collected pursuant to section 2152.74 of the Revised Code, and DNA records derived from DNA specimens pursuant to section 109.573 of the Revised Code, be delivered to the court;</u>	548 549 550 551
<u>(4) Order each public office or agency, upon the delivering of records to the court under division (A)(3) of this section, to expunge remaining records of the case that are the subject of the sealing order that are maintained by that public office or agency, except fingerprints, DNA specimens, and DNA records described under division (A)(3) of this section;</u>	552 553 554 555 556 557
<u>(5) Send notice of the order to seal to any public office or agency that the court has reason to believe may have a record of the sealed record;</u>	558 559 560
<u>(6) Seal all of the records delivered to the court under division (A)(3) of this section, in a separate file in which only sealed records are maintained.</u>	561 562 563
<u>(B) Except as provided in division (D) of this section, an order to seal under section 2151.356 of the Revised Code applies to every public office or agency that has a record relating to the case, regardless of whether it receives notice of the hearing on the sealing of the record or a copy of the order. Except as provided in division (D) of this section, upon the written request of a person whose record has been sealed and the presentation of a copy of the order and compliance with division (A)(3) of this section, a public office or agency shall expunge its record relating to the case, except a record of the adjudication or arrest or taking into custody that is maintained for compiling statistical data and that does not contain any reference to the person who is the subject of the order.</u>	564 565 566 567 568 569 570 571 572 573 574 575 576
<u>(C) The person, public office, or agency, that maintains sealed records pursuant to this section, may maintain a manual or</u>	577 578

<u>computerized index of the sealed records and shall make the index available only for the purposes set forth in divisions (E) and (H) of this section.</u>	579
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<u>(1) Each entry regarding a sealed record in the index of sealed records shall contain all of the following:</u>	582
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<u>(a) The name of the person who is the subject of the sealed record;</u>	584
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<u>(b) An alphanumeric identifier relating to the person who is the subject of the sealed record;</u>	586
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<u>(c) The word "sealed";</u>	588
<u>(d) The name of the person, public office, or agency that has custody of the sealed record.</u>	589
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<u>(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:</u>	591
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<u>(a) The social security number of the person who is subject of the sealed record;</u>	593
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<u>(b) The name or a description of the act committed.</u>	595
<u>(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An</u>	596
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<u>order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a permanent exclusion of the individual is subject to division (F) of this section.</u>	609 610 611 612 613 614 615 616 617 618
<u>(E) Inspection of records that have been ordered sealed under section 2151.356 of the Revised Code may be made only by the following persons or for the following purposes:</u>	619 620 621
<u>(1) By the court;</u>	622
<u>(2) If the records in question pertain to an act that would be an offense of violence that would be a felony if committed by an adult, by any law enforcement officer or any prosecutor, or the assistants of a law enforcement officer or prosecutor, for any valid law enforcement or prosecutorial purpose;</u>	623 624 625 626 627
<u>(3) Upon application by the person who is the subject of the sealed records, by the person that is named in that application;</u>	628 629
<u>(4) If the records in question pertain to an alleged violation of division (E)(1) of section 4301.69 of the Revised Code, by any law enforcement officer or any prosecutor, or the assistants of a law enforcement officer or prosecutor, for the purpose of determining whether the person is eligible for diversion under division (E)(2) of section 4301.69 of the Revised Code;</u>	630 631 632 633 634 635 636
<u>(5) At the request of a party in a civil action that is based on a case the records for which are the subject of a sealing order issued under section 2151.356 of the Revised Code, as needed for</u>	637 638 639

the civil action. The party also may copy the records as needed 640
for the civil action. The sealed records shall be used solely in 641
the civil action and are otherwise confidential and subject to the 642
provisions of this section. 643

(F) No officer or employee of the state or any of its 644
political subdivisions shall knowingly release, disseminate, or 645
make available for any purpose involving employment, bonding, 646
licensing, or education to any person or to any department, 647
agency, or other instrumentality of the state or of any of its 648
political subdivisions any information or other data concerning 649
any arrest, taking into custody, complaint, indictment, 650
information, trial, hearing, adjudication, or correctional 651
supervision, the records of which have been sealed pursuant to 652
section 2151.356 of the Revised Code and the release, 653
dissemination, or making available of which is not expressly 654
permitted by this section. Whoever violates this division is 655
guilty of divulging confidential information, a misdemeanor of the 656
fourth degree. 657

(G) In any application for employment, license, or other 658
right or privilege, any appearance as a witness, or any other 659
inquiry, a person may not be questioned with respect to any arrest 660
or taking into custody for which the records were sealed. If an 661
inquiry is made in violation of this division, the person may 662
respond as if the sealed arrest or taking into custody did not 663
occur, and the person shall not be subject to any adverse action 664
because of the arrest or taking into custody or the response. 665

(H) The judgment rendered by the court under this chapter 666
shall not impose any of the civil disabilities ordinarily imposed 667
by conviction of a crime in that the child is not a criminal by 668
reason of the adjudication, and no child shall be charged with or 669
convicted of a crime in any court except as provided by this 670
chapter. The disposition of a child under the judgment rendered or 671

any evidence given in court shall not operate to disqualify a child in any future civil service examination, appointment, or application. Evidence of a judgment rendered and the disposition of a child under the judgment is not admissible to impeach the credibility of the child in any action or proceeding. Otherwise, the disposition of a child under the judgment rendered or any evidence given in court is admissible as evidence for or against the child in any action or proceeding in any court in accordance with the Rules of Evidence and also may be considered by any court as to the matter of sentence or to the granting of probation, and a court may consider the judgment rendered and the disposition of a child under that judgment for purposes of determining whether the child, for a future criminal conviction or guilty plea, is a repeat violent offender, as defined in section 2929.01 of the Revised Code. 672
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Sec. 2151.358. (A) The juvenile court shall expunge all records sealed under section 2151.356 of the Revised Code five years after the court issues a sealing order or upon the twenty-third birthday of the person who is the subject of the sealing order, whichever date is earlier. 687
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(B) Notwithstanding division (A) of this section, upon application by the person who has had a record sealed under section 2151.356 of the Revised Code, the juvenile court may expunge a record sealed under section 2151.356 of the Revised Code. In making the determination whether to expunge records, all of the following apply: 692
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(1) The court may require a person filing an application for expungement to submit any relevant documentation to support the application. 698
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(2) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has 701
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<u>been rehabilitated to a satisfactory degree.</u>	703
<u>(3) The court shall promptly notify the prosecuting attorney of any proceedings to expunge records.</u>	704 705
<u>(4)(a) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the expungement proceedings.</u>	706 707 708
<u>(b) If the prosecuting attorney does not file a response with the court or if the prosecuting attorney files a response but indicates that the prosecuting attorney does not object to the expungement of the records, the court may order the records of the person that are under consideration to be expunged without conducting a hearing on the application. If the court decides in its discretion to conduct a hearing on the application, the court shall conduct the hearing within thirty days after making that decision and shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration.</u>	709 710 711 712 713 714 715 716 717 718 719 720
<u>(c) If the prosecuting attorney files a response with the court that indicates that the prosecuting attorney objects to the expungement of the records, the court shall conduct a hearing on the application within thirty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the prosecuting attorney and to the person who is the subject of the records under consideration.</u>	721 722 723 724 725 726 727 728
<u>(5) After conducting a hearing in accordance with division (B)(4) of this section or after due consideration when a hearing is not conducted, the court may order the records of the person that are the subject of the application to be expunged if it finds that the person has been rehabilitated to a satisfactory degree.</u>	729 730 731 732 733

<u>In determining whether the person has been rehabilitated to a satisfactory degree, the court may consider all of the following:</u>	734
(a) <u>The age of the person;</u>	736
(b) <u>The nature of the case;</u>	737
(c) <u>The cessation or continuation of delinquent, unruly, or criminal behavior;</u>	738
(d) <u>The education and employment history of the person;</u>	740
(e) <u>Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.</u>	741
(C) <u>If the juvenile court is notified by any party in a civil action that a civil action has been filed based on a case the records for which are the subject of a sealing order, the juvenile court shall not expunge a record sealed under section 2151.356 of the Revised Code until the civil action has been resolved and is not subject to further appellate review, at which time the records shall be expunged pursuant to division (A) of this section.</u>	744
(D) <u>After the records have been expunged, the person who is the subject of the expunged records properly may, and the court shall, reply that no record exists with respect to the person upon any inquiry in the matter.</u>	751
Sec. 2151.357 2151.362. <u>In the manner prescribed by division (C)(2) of section 3313.64 of the Revised Code, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment.</u>	755
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Whenever a child is placed in a detention facility 764
established under section 2152.41 of the Revised Code or a 765
juvenile facility established under section 2151.65 of the Revised 766
Code, the child's school district as determined by the court shall 767
pay the cost of educating the child based on the per capita cost 768
of the educational facility within the detention home or juvenile 769
facility. 770

Whenever a child is placed by the court in a private 771
institution, school, or residential treatment center or any other 772
private facility, the state shall pay to the court a subsidy to 773
help defray the expense of educating the child in an amount equal 774
to the product of the daily per capita educational cost of the 775
private facility, as determined pursuant to this section, and the 776
number of days the child resides at the private facility, provided 777
that the subsidy shall not exceed twenty-five hundred dollars per 778
year per child. The daily per capita educational cost of a private 779
facility shall be determined by dividing the actual program cost 780
of the private facility or twenty-five hundred dollars, whichever 781
is less, by three hundred sixty-five days or by three hundred 782
sixty-six days for years that include February twenty-ninth. The 783
state shall pay seventy-five per cent of the total subsidy for 784
each year quarterly to the court. The state may adjust the 785
remaining twenty-five per cent of the total subsidy to be paid to 786
the court for each year to an amount that is less than twenty-five 787
per cent of the total subsidy for that year based upon the 788
availability of funds appropriated to the department of education 789
for the purpose of subsidizing courts that place a child in a 790
private institution, school, or residential treatment center or 791
any other private facility and shall pay that adjusted amount to 792
the court at the end of the year. 793

Sec. 2152.72. (A) This section applies only to a child who is

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or previously has been adjudicated a delinquent child for an act	795
to which any of the following applies:	796
(1) The act is a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 of the Revised Code.	797 798 799
(2) The act is a violation of section 2923.01 of the Revised Code and involved an attempt to commit aggravated murder or murder.	800 801 802
(3) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm during the commission of the act for which the child was adjudicated a delinquent child.	803 804 805 806 807 808 809
(4) The act would be an offense of violence that is a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.1411 of the Revised Code or in another section of the Revised Code that relates to the wearing or carrying of body armor during the commission of the act for which the child was adjudicated a delinquent child.	810 811 812 813 814 815 816
(B)(1) Except as provided in division (E) of this section, a public children services agency, private child placing agency, private noncustodial agency, or court, the department of youth services, or another private or government entity shall not place a child in a certified foster home or for adoption until it provides the foster caregivers or prospective adoptive parents with all of the following:	817 818 819 820 821 822 823
(a) A written report describing the child's social history;	824
(b) A written report describing all the acts committed by the	825

child the entity knows of that resulted in the child being	826
adjudicated a delinquent child and the disposition made by the	827
court, unless the records pertaining to the acts have been sealed	828
pursuant to section <u>2151.358</u> <u>2151.356</u> of the Revised Code;	829
(c) A written report describing any other violent act	830
committed by the child of which the entity is aware;	831
(d) The substantial and material conclusions and	832
recommendations of any psychiatric or psychological examination	833
conducted on the child or, if no psychological or psychiatric	834
examination of the child is available, the substantial and	835
material conclusions and recommendations of an examination to	836
detect mental and emotional disorders conducted in compliance with	837
the requirements of Chapter 4757. of the Revised Code by an	838
independent social worker, social worker, professional clinical	839
counselor, or professional counselor licensed under that chapter.	840
The entity shall not provide any part of a psychological,	841
psychiatric, or mental and emotional disorder examination to the	842
foster caregivers or prospective adoptive parents other than the	843
substantial and material conclusions.	844
(2) Notwithstanding section sections <u>2151.356</u> to 2151.358 of	845
the Revised Code, if records of an adjudication that a child is a	846
delinquent child have been sealed pursuant to that section those	847
<u>sections</u> and an entity knows the records have been sealed, the	848
entity shall provide the foster caregivers or prospective adoptive	849
parents a written statement that the records of a prior	850
adjudication have been sealed.	851
(C)(1) The entity that places the child in a certified foster	852
home or for adoption shall conduct a psychological examination of	853
the child unless either of the following applies:	854
(a) An entity is not required to conduct the examination if	855
an examination was conducted no more than one year prior to the	856

child's placement, and division (C)(1)(b) of this section does not apply.	857 858
(b) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child, and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.	859 860 861 862
(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.	863 864 865 866 867
(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the certified foster home or for adoption.	868 869 870 871 872
(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2152.19 of the Revised Code, to a public children services agency or private child placing agency, the court shall provide the agency the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section. On receipt of the information described in division (B) of this section, the agency shall provide to the court written acknowledgment that the agency received the information. The court shall keep the acknowledgment and provide a copy to the agency. On the motion of the agency, the court may terminate the order granting temporary or permanent custody of the child to that agency, if the court	873 874 875 876 877 878 879 880 881 882 883 884 885 886 887

does not provide the information described in division (B) of this section.	888 889
(3) If one of the following entities is placing a child in a certified foster home or for adoption with the assistance of or by contracting with a public children services agency, private child placing agency, or a private noncustodial agency, the entity shall provide the agency with the information described in division (B) of this section, pay the expenses of preparing that information, and, if a new examination is required to be conducted, pay the expenses of conducting the examination described in division (C) of this section:	890 891 892 893 894 895 896 897 898
(a) The department of youth services if the placement is pursuant to any section of the Revised Code including section 2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised Code;	899 900 901 902
(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2152.19 of the Revised Code;	903 904
(c) A public children services agency or private child placing agency with temporary or permanent custody of the child.	905 906
The agency receiving the information described in division (B) of this section shall provide the entity described in division (D)(3)(a) to (c) of this section that sent the information written acknowledgment that the agency received the information and provided it to the foster caregivers or prospective adoptive parents. The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster home or for adoption with the assistance of or by contracting with an agency remains responsible to provide the information described in division (B) of this section to the foster caregivers or prospective adoptive parents unless the entity receives written acknowledgment that the agency provided	907 908 909 910 911 912 913 914 915 916 917 918

the information.	919
(E) If a child is placed in a certified foster home as a result of an emergency removal of the child from home pursuant to division (D) of section 2151.31 of the Revised Code, an emergency change in the child's case plan pursuant to division (E)(3) of section 2151.412 of the Revised Code, or an emergency placement by the department of youth services pursuant to this chapter or Chapter 5139. of the Revised Code, the entity that places the child in the certified foster home shall provide the information described in division (B) of this section no later than ninety-six hours after the child is placed in the certified foster home.	920 921 922 923 924 925 926 927 928 929
(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver or prospective adoptive parents shall provide to the entity that places the child in the foster caregiver's or prospective adoptive parents' home a written acknowledgment that the foster caregiver or prospective adoptive parents received the information. The entity shall keep the acknowledgment and provide a copy to the foster caregiver or prospective adoptive parents.	930 931 932 933 934 935 936 937
(G) No person employed by an entity subject to this section and made responsible by that entity for the child's placement in a certified foster home or for adoption shall fail to provide the foster caregivers or prospective adoptive parents with the information required by divisions (B) and (C) of this section.	938 939 940 941 942
(H) It is not a violation of any duty of confidentiality provided for in the Revised Code or a code of professional responsibility for a person or government entity to provide the substantial and material conclusions and recommendations of a psychiatric or psychological examination, or an examination to detect mental and emotional disorders, in accordance with division (B)(1)(d) or (C) of this section.	943 944 945 946 947 948 949

(I) As used in this section:	950
(1) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	951 952
(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	953 954
 Sec. 2930.13. (A) If the court orders the preparation of a victim impact statement pursuant to division (D)(1) of section 2152.19 or section 2947.051 of the Revised Code, the victim in the case may make a written or oral statement regarding the impact of the crime or specified delinquent act to the person whom the court orders to prepare the victim impact statement. A statement made by the victim under this section shall be included in the victim impact statement.	955 956 957 958 959 960 961 962
(B) If a probation officer or other person is preparing a presentence investigation report pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2, or a disposition investigation report pursuant to section 2151.355 <u>2152.18</u> of the Revised Code, concerning the defendant or alleged juvenile offender in the case, the victim may make a written or oral statement regarding the impact of the crime or specified delinquent act to the probation officer or other person. The probation officer or other person shall use the statement in preparing the presentence investigation report or disposition investigation report and, upon the victim's request, shall include a written statement submitted by the victim in the presentence investigation report or disposition investigation report.	963 964 965 966 967 968 969 970 971 972 973 974 975
(C) A statement made by the victim under division (A) or (B) of this section may include the following:	976 977
(1) An explanation of the nature and extent of any physical, psychological, or emotional harm suffered by the victim as a	978 979

result of the crime or specified delinquent act that is the basis of the case;	980 981
(2) An explanation of the extent of any property damage or other economic loss suffered by the victim as a result of that crime or specified delinquent act;	982 983 984
(3) An opinion regarding the extent to which, if any, the victim needs restitution for harm caused by the defendant or alleged juvenile offender as a result of that crime or specified delinquent act and information about whether the victim has applied for or received any compensation for loss or damage caused by that crime or specified delinquent act;	985 986 987 988 989 990
(4) The victim's recommendation for an appropriate sanction or disposition for the defendant or alleged juvenile offender regarding that crime or specified delinquent act.	991 992 993
(D) If a statement made by a victim under division (A) of this section is included in a victim impact statement, the provision, receipt, and retention of copies of, the use of, and the confidentiality, nonpublic record character, and sealing of the victim impact statement is governed by division (H) <u>(B)(2)</u> of section 2151.355 2152.20 or by division (C) of section 2947.051 of the Revised Code, as appropriate. If a statement made by a victim under division (B) of this section is included in a presentence investigation report prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or in a disposition investigation report pursuant to division (C)(1) of section 2152.18 of the Revised Code, the provision, receipt, and retention of copies of, the use of, and the confidentiality, nonpublic record character, and sealing of the presentence investigation report or disposition investigation report that contains the victim's statement is governed by section 2951.03 of the Revised Code.	994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:	1011 1012 1013 1014 1015 1016
(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	1017 1018 1019
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	1020 1021 1022
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	1023 1024
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.	1025 1026
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	1027 1028 1029
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	1030 1031 1032
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an	1033 1034 1035 1036 1037 1038 1039 1040

instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	1041 1042 1043 1044 1045 1046 1047 1048 1049 1050
(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.	1051 1052 1053 1054 1055 1056 1057 1058
(c) Average student grades in each subject in grades nine through twelve;	1059 1060
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	1061 1062 1063
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	1064 1065 1066
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	1067 1068 1069
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as	1070 1071

present for any field trip that is approved by the school administration.	1072 1073
(h) Expulsion rates;	1074
(i) Suspension rates;	1075
(j) The percentage of students receiving corporal punishment;	1076
(k) Dropout rates;	1077
(l) Rates of retention in grade;	1078
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1079 1080 1081
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	1082 1083 1084 1085 1086
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	1087 1088 1089 1090 1091 1092 1093
(2) Personnel and classroom enrollment data for each school district, including:	1094 1095
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall	1096 1097 1098 1099 1100 1101

require these categories of data to be maintained for the school	1102
district as a whole and, wherever applicable, for each grade in	1103
the school district as a whole, for each school building as a	1104
whole, and for each grade in each school building.	1105
(b) The total number of employees and the number of full-time	1106
equivalent employees providing each category of service used	1107
pursuant to divisions (C)(4)(a) and (b) of this section, and the	1108
total numbers of licensed employees and nonlicensed employees and	1109
the numbers of full-time equivalent licensed employees and	1110
nonlicensed employees providing each category used pursuant to	1111
division (C)(4)(c) of this section. The guidelines adopted under	1112
this section shall require these categories of data to be	1113
maintained for the school district as a whole and, wherever	1114
applicable, for each grade in the school district as a whole, for	1115
each school building as a whole, and for each grade in each school	1116
building.	1117
(c) The total number of regular classroom teachers teaching	1118
classes of regular education and the average number of pupils	1119
enrolled in each such class, in each of grades kindergarten	1120
through five in the district as a whole and in each school	1121
building in the school district.	1122
(d) The number of master teachers employed by each school	1123
district and each school building, once a definition of master	1124
teacher has been developed by the educator standards board	1125
pursuant to section 3319.61 of the Revised Code.	1126
(3)(a) Student demographic data for each school district,	1127
including information regarding the gender ratio of the school	1128
district's pupils, the racial make-up of the school district's	1129
pupils, the number of limited English proficient students in the	1130
district, and an appropriate measure of the number of the school	1131
district's pupils who reside in economically disadvantaged	1132

households. The demographic data shall be collected in a manner to	1133
allow correlation with data collected under division (B)(1) of	1134
this section. Categories for data collected pursuant to division	1135
(B)(3) of this section shall conform, where appropriate, to	1136
standard practices of agencies of the federal government.	1137
(b) With respect to each student entering kindergarten,	1138
whether the student previously participated in a public preschool	1139
program, a private preschool program, or a head start program, and	1140
the number of years the student participated in each of these	1141
programs.	1142
(4) Any data required to be collected pursuant to federal	1143
law.	1144
(C) The education management information system shall include	1145
cost accounting data for each district as a whole and for each	1146
school building in each school district. The guidelines adopted	1147
under this section shall require the cost data for each school	1148
district to be maintained in a system of mutually exclusive cost	1149
units and shall require all of the costs of each school district	1150
to be divided among the cost units. The guidelines shall require	1151
the system of mutually exclusive cost units to include at least	1152
the following:	1153
(1) Administrative costs for the school district as a whole.	1154
The guidelines shall require the cost units under this division	1155
(C)(1) to be designed so that each of them may be compiled and	1156
reported in terms of average expenditure per pupil in formula ADM	1157
in the school district, as determined pursuant to section 3317.03	1158
of the Revised Code.	1159
(2) Administrative costs for each school building in the	1160
school district. The guidelines shall require the cost units under	1161
this division (C)(2) to be designed so that each of them may be	1162
compiled and reported in terms of average expenditure per	1163

full-time equivalent pupil receiving instructional or support services in each building.	1164 1165
(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:	1166 1167 1168 1169 1170 1171 1172 1173 1174 1175 1176
(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;	1177 1178 1179
(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;	1180 1181 1182 1183
(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.	1184 1185 1186 1187 1188
(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil	1189 1190 1191 1192 1193 1194

receiving the service in the school district as a whole and	1195
average expenditure per pupil receiving the service in each	1196
building in the school district and in terms of a total cost for	1197
each category of service and, as a breakdown of the total cost, a	1198
cost for each of the following components:	1199
(a) The cost of each support or extracurricular services	1200
category required by guidelines adopted under division (B)(1)(b)	1201
of this section that is provided directly to students by a	1202
licensed employee, such as services provided by a guidance	1203
counselor or any services provided by a licensed employee under a	1204
supplemental contract;	1205
(b) The cost of each such services category provided directly	1206
to students by a nonlicensed employee, such as janitorial	1207
services, cafeteria services, or services of a sports trainer;	1208
(c) The cost of the administrative services related to each	1209
services category in division (C)(4)(a) or (b) of this section,	1210
such as the cost of any licensed or nonlicensed employees that	1211
develop, supervise, coordinate, or otherwise are involved in	1212
administering or aiding the delivery of each services category.	1213
(D)(1) The guidelines adopted under this section shall	1214
require school districts to collect information about individual	1215
students, staff members, or both in connection with any data	1216
required by division (B) or (C) of this section or other reporting	1217
requirements established in the Revised Code. The guidelines may	1218
also require school districts to report information about	1219
individual staff members in connection with any data required by	1220
division (B) or (C) of this section or other reporting	1221
requirements established in the Revised Code. The guidelines shall	1222
not authorize school districts to request social security numbers	1223
of individual students. The guidelines shall prohibit the	1224
reporting under this section of a student's name, address, and	1225

social security number to the state board of education or the 1226
department of education. The guidelines shall also prohibit the 1227
reporting under this section of any personally identifiable 1228
information about any student, except for the purpose of assigning 1229
the data verification code required by division (D)(2) of this 1230
section, to any other person unless such person is employed by the 1231
school district or the data acquisition site operated under 1232
section 3301.075 of the Revised Code and is authorized by the 1233
district or acquisition site to have access to such information or 1234
is employed by an entity with which the department contracts for 1235
the scoring of tests administered under section 3301.0711 or 1236
3301.0712 of the Revised Code. The guidelines may require school 1237
districts to provide the social security numbers of individual 1238
staff members. 1239

(2) The guidelines shall provide for each school district or 1240
community school to assign a data verification code that is unique 1241
on a statewide basis over time to each student whose initial Ohio 1242
enrollment is in that district or school and to report all 1243
required individual student data for that student utilizing such 1244
code. The guidelines shall also provide for assigning data 1245
verification codes to all students enrolled in districts or 1246
community schools on the effective date of the guidelines 1247
established under this section. 1248

Individual student data shall be reported to the department 1249
through the data acquisition sites utilizing the code but at no 1250
time shall the state board or the department have access to 1251
information that would enable any data verification code to be 1252
matched to personally identifiable student data. 1253

Each school district shall ensure that the data verification 1254
code is included in the student's records reported to any 1255
subsequent school district or community school in which the 1256
student enrolls. Any such subsequent district or school shall 1257

utilize the same identifier in its reporting of data under this section. 1258
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(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section. 1260
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(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section ~~2151.358~~ 2151.357 or 3319.321 of the Revised Code. 1270
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(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall: 1277
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(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district; 1284
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(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant 1287
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to division (B)(1)(d) of this section.	1289
(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.	1290 1291 1292 1293 1294 1295
(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.	1296 1297 1298 1299 1300 1301 1302
(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.	1303 1304 1305 1306 1307 1308 1309 1310 1311 1312 1313
(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.	1314 1315 1316
(J) As used in this section:	1317
(1) "School district" means any city, local, exempted village, or joint vocational school district.	1318 1319

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.	1320 1321 1322 1323 1324
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	1325 1326 1327 1328 1329
(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:	1330 1331 1332 1333 1334 1335
(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;	1336 1337 1338
(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;	1339 1340 1341
(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.	1342 1343 1344 1345
Any report made under this division shall include recommendations for corrective action by the school district.	1346 1347
Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due	1348 1349

during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies.	1350 1351 1352 1353 1354 1355 1356 1357 1358 1359
The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within forty-five days of the date upon which the report was made by the department.	
(M) No data acquisition site or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.	1360 1361 1362 1363 1364
(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.	1365 1366 1367 1368 1369 1370
(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.	1371 1372 1373
(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.	1374 1375 1376 1377 1378
(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code	1379 1380

based upon the data collected under this section, the department	1381
shall develop a plan and a reasonable timeline for the collection	1382
of any data necessary to comply with that division.	1383
Sec. 3313.64. (A) As used in this section and in section	1384
3313.65 of the Revised Code:	1385
(1)(a) Except as provided in division (A)(1)(b) of this	1386
section, "parent" means either parent, unless the parents are	1387
separated or divorced or their marriage has been dissolved or	1388
annulled, in which case "parent" means the parent who is the	1389
residential parent and legal custodian of the child. When a child	1390
is in the legal custody of a government agency or a person other	1391
than the child's natural or adoptive parent, "parent" means the	1392
parent with residual parental rights, privileges, and	1393
responsibilities. When a child is in the permanent custody of a	1394
government agency or a person other than the child's natural or	1395
adoptive parent, "parent" means the parent who was divested of	1396
parental rights and responsibilities for the care of the child and	1397
the right to have the child live with the parent and be the legal	1398
custodian of the child and all residual parental rights,	1399
privileges, and responsibilities.	1400
(b) When a child is the subject of a power of attorney	1401
executed under sections 3109.51 to 3109.62 of the Revised Code,	1402
"parent" means the grandparent designated as attorney in fact	1403
under the power of attorney. When a child is the subject of a	1404
caretaker authorization affidavit executed under sections 3109.64	1405
to 3109.73 of the Revised Code, "parent" means the grandparent	1406
that executed the affidavit.	1407
(2) "Legal custody," "permanent custody," and "residual	1408
parental rights, privileges, and responsibilities" have the same	1409
meanings as in section 2151.011 of the Revised Code.	1410

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.	1411 1412 1413
(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:	1414 1415 1416 1417
(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	1418 1419 1420
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	1421 1422 1423
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	1424 1425 1426
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	1427 1428
(5) "Agency" means all of the following:	1429
(a) A public children services agency;	1430
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	1431 1432 1433 1434 1435 1436
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.	1437 1438 1439
(6) A child is placed for adoption if either of the following	1440

occurs:	1441
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	1442 1443 1444 1445
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	1446 1447 1448
(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	1449 1450 1451 1452 1453
(8) "Child," unless otherwise indicated, includes handicapped preschool children.	1454 1455
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	1456 1457 1458 1459
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.	1460 1461 1462 1463 1464
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	1465 1466
(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	1467 1468 1469 1470

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	1471 1472 1473
(b) The child resides in a home.	1474
(c) The child requires special education.	1475
(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:	1476 1477 1478 1479 1480 1481
(a) The placement for adoption has been terminated.	1482
(b) Another school district is required to admit the child under division (B)(1) of this section.	1483 1484
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.	1485 1486 1487 1488 1489
(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:	1490 1491 1492 1493
(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.	1494 1495 1496 1497 1498
(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of	1499 1500

a government agency or person other than the child's parent,	1501
tuition shall be paid by:	1502
(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;	1503 1504 1505 1506
(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;	1507 1508 1509 1510 1511 1512
(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section <u>2151.357</u> <u>2151.362</u> of the Revised Code by the court at the time it vests custody of the child in the person or government agency;	1513 1514 1515 1516 1517
(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.	1518 1519 1520 1521 1522 1523 1524 1525 1526 1527
(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:	1528 1529 1530 1531

(a) The school district in which the child's parent resides;	1532
(b) If the child's parent is not a resident of this state, the home in which the child resides.	1533 1534
(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.	1535 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548 1549
(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.	1550 1551 1552 1553
(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:	1554 1555 1556 1557 1558
(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program	1559 1560 1561 1562

developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.	1563 1564 1565
(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.	1566 1567
(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.	1568 1569 1570 1571 1572 1573 1574 1575 1576
(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:	1577 1578 1579 1580 1581 1582
(a) That the parent is serving outside of the state in the armed services of the United States;	1583 1584
(b) That the parent intends to reside in the district upon returning to this state;	1585 1586
(c) The name and address of the person with whom the child is living while the parent is outside the state.	1587 1588
(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the	1589 1590 1591 1592

district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.	1593 1594 1595
(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:	1596 1597 1598 1599 1600 1601 1602
(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;	1603 1604 1605
(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.	1606 1607 1608
(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:	1609 1610 1611 1612 1613 1614 1615 1616
(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;	1617 1618 1619
(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	1620 1621 1622 1623

the parent's statement.	1624
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 attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.	1625 1626 1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637
(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.	1638 1639 1640 1641 1642 1643 1644 1645 1646 1647 1648 1649 1650 1651 1652
(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in	1653 1654 1655

the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.	1656 1657 1658
The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.	1659 1660 1661 1662 1663 1664 1665 1666 1667
(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.	1668 1669 1670 1671 1672 1673 1674 1675 1676 1677 1678 1679 1680
(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in	1681 1682 1683 1684 1685 1686 1687

which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.	1688 1689 1690 1691 1692
In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, and 3313.716 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.	1693 1694 1695 1696 1697 1698 1699 1700 1701 1702
Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.	1703 1704 1705 1706 1707 1708 1709 1710
(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:	1711 1712 1713 1714 1715
(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for	1716 1717 1718

purposes of this division;	1719
(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.	1720 1721 1722 1723 1724
While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.	1725 1726 1727 1728 1729 1730
A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.	1731 1732 1733 1734 1735 1736
(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.	1737 1738 1739 1740 1741 1742 1743
When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:	1744 1745 1746 1747 1748
(a) The child's school of origin, as defined in 42 U.S.C.A.	1749

11432(g)(3)(C);	1750
(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.	1751 1752 1753
(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:	1754 1755 1756 1757
(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.	1758 1759 1760 1761 1762 1763 1764 1765 1766 1767
(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.	1768 1769
The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.	1770 1771 1772 1773
(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:	1774 1775 1776
(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;	1777 1778
(2) Residents or domiciliaries of the United States but not	1779

of Ohio who request admission as participants in an exchange program operated by a student exchange organization.	1780 1781
(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.	1782 1783 1784 1785 1786
(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:	1787 1788 1789 1790 1791 1792 1793 1794 1795 1796 1797 1798 1799 1800 1801 1802
(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.	1803 1804 1805 1806 1807
(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.	1808 1809 1810

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.	1811 1812 1813 1814 1815
(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.	1816 1817 1818 1819 1820 1821 1822 1823
(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (H) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.	1824 1825 1826 1827 1828 1829 1830 1831 1832 1833 1834 1835
(J) This division does not apply to a child receiving special education.	1836 1837
A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate	1838 1839 1840 1841

for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.	1842 1843 1844 1845 1846 1847 1848 1849 1850 1851 1852 1853 1854 1855 1856 1857 1858 1859 1860 1861
Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.	1862 1863 1864 1865 1866 1867
(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.	1868 1869 1870
(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded	1871 1872 1873

from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.	1874 1875 1876
(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.	1877 1878 1879 1880 1881 1882 1883 1884 1885 1886 1887 1888 1889 1890 1891
Sec. 3313.662. (A) The superintendent of public instruction, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:	1892 1893 1894 1895 1896 1897 1898 1899 1900
(1) A violation of section 2923.122 of the Revised Code;	1901
(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or	1902 1903 1904

controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;	1905 1906 1907
(3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;	1908 1909 1910 1911 1912 1913
(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;	1914 1915 1916 1917 1918 1919 1920
(5) Complicity in any violation described in division (A)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (A)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.	1921 1922 1923 1924 1925 1926 1927 1928
(B) A pupil may be suspended or expelled in accordance with section 3313.66 of the Revised Code prior to being permanently excluded from public school attendance under this section and section 3301.121 of the Revised Code.	1929 1930 1931 1932
(C)(1) If the superintendent of a city, local, exempted village, or joint vocational school district in which a pupil attends school obtains or receives proof that the pupil has been	1933 1934 1935

convicted of committing when the pupil was sixteen years of age or older a violation listed in division (A) of this section or adjudicated a delinquent child for the commission when the pupil was sixteen years of age or older of a violation listed in division (A) of this section, the superintendent may issue to the board of education of the school district a request that the pupil be permanently excluded from public school attendance, if both of the following apply:	1936 1937 1938 1939 1940 1941 1942 1943
(a) After obtaining or receiving proof of the conviction or adjudication, the superintendent or the superintendent's designee determines that the pupil's continued attendance in school may endanger the health and safety of other pupils or school employees and gives the pupil and the pupil's parent, guardian, or custodian written notice that the superintendent intends to recommend to the board of education that the board adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil from public school attendance.	1944 1945 1946 1947 1948 1949 1950 1951 1952
(b) The superintendent or the superintendent's designee forwards to the board of education the superintendent's written recommendation that includes the determinations the superintendent or designee made pursuant to division (C)(1)(a) of this section and a copy of the proof the superintendent received showing that the pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of this section that was committed when the pupil was sixteen years of age or older.	1953 1954 1955 1956 1957 1958 1959 1960
(2) Within fourteen days after receipt of a recommendation from the superintendent pursuant to division (C)(1)(b) of this section that a pupil be permanently excluded from public school attendance, the board of education of a city, local, exempted village, or joint vocational school district, after review and consideration of all of the following available information, may adopt a resolution requesting the superintendent of public	1961 1962 1963 1964 1965 1966 1967

instruction to permanently exclude the pupil who is the subject of the recommendation from public school attendance:	1968 1969
(a) The academic record of the pupil and a record of any extracurricular activities in which the pupil previously was involved;	1970 1971 1972
(b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;	1973 1974 1975
(c) The social history of the pupil;	1976
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;	1977 1978
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;	1979 1980 1981
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	1982 1983
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;	1984 1985 1986
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;	1987 1988 1989
(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.	1990 1991 1992 1993 1994 1995 1996
(3) If the board does not adopt a resolution requesting the	1997

superintendent of public instruction to permanently exclude the pupil, it immediately shall send written notice of that fact to the superintendent who sought the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.	1998 1999 2000 2001 2002
(D)(1) Upon adoption of a resolution under division (C) of this section, the board of education immediately shall forward to the superintendent of public instruction the written resolution, proof of the conviction or adjudication that is the basis of the resolution, a copy of the pupil's entire school record, and any other relevant information and shall forward a copy of the resolution to the pupil who is the subject of the recommendation and to that pupil's parent, guardian, or custodian.	2003 2004 2005 2006 2007 2008 2009 2010
(2) The board of education that adopted and forwarded the resolution requesting the permanent exclusion of the pupil to the superintendent of public instruction promptly shall designate a representative of the school district to present the case for permanent exclusion to the superintendent or the referee appointed by the superintendent. The representative of the school district may be an attorney admitted to the practice of law in this state. At the adjudication hearing held pursuant to section 3301.121 of the Revised Code, the representative of the school district shall present evidence in support of the requested permanent exclusion.	2011 2012 2013 2014 2015 2016 2017 2018 2019 2020
(3) Upon receipt of a board of education's resolution requesting the permanent exclusion of a pupil from public school attendance, the superintendent of public instruction, in accordance with the adjudication procedures of section 3301.121 of the Revised Code, promptly shall issue an adjudication order that either permanently excludes the pupil from attending any of the public schools of this state or that rejects the resolution of the board of education.	2021 2022 2023 2024 2025 2026 2027 2028

(E) Notwithstanding any provision of section 3313.64 of the Revised Code or an order of any court of this state that otherwise requires the admission of the pupil to a school, no school official in a city, local, exempted village, or joint vocational school district knowingly shall admit to any school in the school district a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction.	2029 2030 2031 2032 2033 2034 2035
(F)(1)(a) Upon determining that the school attendance of a pupil who has been permanently excluded from public school attendance no longer will endanger the health and safety of other students or school employees, the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school may issue to the board of education of the school district a recommendation, including the reasons for the recommendation, that the permanent exclusion of a pupil be revoked and the pupil be allowed to return to the public schools of the state.	2036 2037 2038 2039 2040 2041 2042 2043 2044 2045
If any violation which in whole or in part gave rise to the permanent exclusion of any pupil involved the pupil's bringing a firearm to a school operated by the board of education of a school district or onto any other property owned or operated by such a board, no superintendent shall recommend under this division an effective date for the revocation of the pupil's permanent exclusion that is less than one year after the date on which the last such firearm incident occurred. However, on a case-by-case basis, a superintendent may recommend an earlier effective date for such a revocation for any of the reasons for which the superintendent may reduce the one-year expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code.	2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057
(b) Upon receipt of the recommendation of the superintendent that a permanent exclusion of a pupil be revoked, the board of education of a city, local, exempted village, or joint vocational	2058 2059 2060

school district may adopt a resolution by a majority vote of its members requesting the superintendent of public instruction to revoke the permanent exclusion of the pupil. Upon adoption of the resolution, the board of education shall forward a copy of the resolution, the reasons for the resolution, and any other relevant information to the superintendent of public instruction. 2061
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(c) Upon receipt of a resolution of a board of education requesting the revocation of a permanent exclusion of a pupil, the superintendent of public instruction, in accordance with the adjudication procedures of Chapter 119. of the Revised Code, shall issue an adjudication order that revokes the permanent exclusion of the pupil from public school attendance or that rejects the resolution of the board of education. 2067
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(2)(a) A pupil who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code may request the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school to admit the pupil on a probationary basis for a period not to exceed ninety school days. Upon receiving the request, the superintendent may enter into discussions with the pupil and with the pupil's parent, guardian, or custodian or a person designated by the pupil's parent, guardian, or custodian to develop a probationary admission plan designed to assist the pupil's probationary admission to the school. The plan may include a treatment program, a behavioral modification program, or any other program reasonably designed to meet the educational needs of the child and the disciplinary requirements of the school. 2074
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If any violation which in whole or in part gave rise to the permanent exclusion of the pupil involved the pupil's bringing a firearm to a school operated by the board of education of any school district or onto any other property owned or operated by such a board, no plan developed under this division for the pupil 2088
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shall include an effective date for the probationary admission of
the pupil that is less than one year after the date on which the
last such firearm incident occurred except that on a case-by-case
basis, a plan may include an earlier effective date for such an
admission for any of the reasons for which the superintendent of
the district may reduce the one-year expulsion requirement in
division (B)(2) of section 3313.66 of the Revised Code. 2093
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(b) If the superintendent of a school district, a pupil, and
the pupil's parent, guardian, or custodian or a person designated
by the pupil's parent, guardian, or custodian agree upon a
probationary admission plan prepared pursuant to division
(F)(2)(a) of this section, the superintendent of the school 2100
district shall issue to the board of education of the school 2101
district a recommendation that the pupil be allowed to attend 2102
school within the school district under probationary admission, 2103
the reasons for the recommendation, and a copy of the agreed upon 2104
probationary admission plan. Within fourteen days after the board 2105
of education receives the recommendation, reasons, and plan, the 2106
board may adopt the recommendation by a majority vote of its 2107
members. If the board adopts the recommendation, the pupil may 2108
attend school under probationary admission within that school 2109
district for a period not to exceed ninety days or any additional 2110
probationary period permitted under divisions (F)(2)(d) and (e) of 2111
this section in accordance with the probationary admission plan 2112
prepared pursuant to division (F)(2)(a) of this section. 2113
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(c) If a pupil who is permitted to attend school under
probationary admission pursuant to division (F)(2)(b) of this
section fails to comply with the probationary admission plan
prepared pursuant to division (F)(2)(a) of this section, the
superintendent of the school district immediately may remove the
pupil from the school and issue to the board of education of the
school district a recommendation that the probationary admission 2118
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be revoked. Within five days after the board of education receives	2125
the recommendation, the board may adopt the recommendation to	2126
revoke the pupil's probationary admission by a majority vote of	2127
its members. If a majority of the board does not adopt the	2128
recommendation to revoke the pupil's probationary admission, the	2129
pupil shall continue to attend school in compliance with the	2130
pupil's probationary admission plan.	2131
(d) If a pupil who is permitted to attend school under	2132
probationary admission pursuant to division (F)(2)(b) of this	2133
section complies with the probationary admission plan prepared	2134
pursuant to division (F)(2)(a) of this section, the pupil or the	2135
pupil's parent, guardian, or custodian, at any time before the	2136
expiration of the ninety-day probationary admission period, may	2137
request the superintendent of the school district to extend the	2138
terms and period of the pupil's probationary admission for a	2139
period not to exceed ninety days or to issue a recommendation	2140
pursuant to division (F)(1) of this section that the pupil's	2141
permanent exclusion be revoked and the pupil be allowed to return	2142
to the public schools of this state.	2143
(e) If a pupil is granted an extension of the pupil's	2144
probationary admission pursuant to division (F)(2)(d) of this	2145
section, the pupil or the pupil's parent, guardian, or custodian,	2146
in the manner described in that division, may request, and the	2147
superintendent and board, in the manner described in that	2148
division, may recommend and grant, subsequent probationary	2149
admission periods not to exceed ninety days each. If a pupil who	2150
is permitted to attend school under an extension of a probationary	2151
admission plan complies with the probationary admission plan	2152
prepared pursuant to the extension, the pupil or the pupil's	2153
parent, guardian, or custodian may request a revocation of the	2154
pupil's permanent exclusion in the manner described in division	2155
(F)(2)(d) of this section.	2156

(f) Any extension of a probationary admission requested by a pupil or a pupil's parent, guardian, or custodian pursuant to divisions (F)(2)(d) or (e) of this section shall be subject to the adoption and approval of a probationary admission plan in the manner described in divisions (F)(2)(a) and (b) of this section and may be terminated as provided in division (F)(2)(c) of this section.	2157 2158 2159 2160 2161 2162 2163
(g) If the pupil has complied with any probationary admission plan and the superintendent issues a recommendation that seeks revocation of the pupil's permanent exclusion pursuant to division (F)(1) of this section, the pupil's compliance with any probationary admission plan may be considered along with other relevant factors in any determination or adjudication conducted pursuant to division (F)(1) of this section.	2164 2165 2166 2167 2168 2169 2170
(G)(1) Except as provided in division (G)(2) of this section, any information regarding the permanent exclusion of a pupil shall be included in the pupil's official records and shall be included in any records sent to any school district that requests the pupil's records.	2171 2172 2173 2174 2175
(2) When a pupil who has been permanently excluded from public school attendance reaches the age of twenty-two or when the permanent exclusion of a pupil has been revoked, all school districts that maintain records regarding the pupil's permanent exclusion shall remove all references to the exclusion from the pupil's file and shall destroy them.	2176 2177 2178 2179 2180 2181
A pupil who has reached the age of twenty-two or whose permanent exclusion has been revoked may send a written notice to the superintendent of any school district maintaining records of the pupil's permanent exclusion requesting the superintendent to ensure that the records are removed from the pupil's file and destroyed. Upon receipt of the request and a determination that	2182 2183 2184 2185 2186 2187

the pupil is twenty-two years of age or older or that the pupil's permanent exclusion has been revoked, the superintendent shall ensure that the records are removed from the pupil's file and destroyed.	2188 2189 2190 2191
(H)(1) This section does not apply to any of the following:	2192
(a) An institution that is a residential facility, that receives and cares for children, that is maintained by the department of youth services, and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code;	2193 2194 2195 2196 2197
(b) Any on-premises school operated by an out-of-home care entity, other than a school district, that is chartered by the state board of education under section 3301.16 of the Revised Code;	2198 2199 2200 2201
(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that enters into a contract or agreement with a school district for the provision of educational services in a setting other than a setting that is a building or structure owned or controlled by the board of education of the school district during normal school hours.	2202 2203 2204 2205 2206 2207 2208
(2) This section does not prohibit any person who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code from seeking a certificate of high school equivalence. A person who has been permanently excluded may be permitted to participate in a course of study in preparation for the tests of general educational development, except that the person shall not participate during normal school hours in that course of study in any building or structure owned or controlled by the board of education of a school district.	2209 2210 2211 2212 2213 2214 2215 2216 2217
(3) This section does not relieve any school district from	2218

any requirement under section 2151.357 <ins>2151.362</ins> or 3313.64 of the Revised Code to pay for the cost of educating any child who has been permanently excluded pursuant to this section and section 3301.121 of the Revised Code.	2219 2220 2221 2222
(I) As used in this section:	2223
(1) "Permanently exclude" means to forever prohibit an individual from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.	2224 2225 2226 2227
(2) "Permanent exclusion" means the prohibition of a pupil forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.	2228 2229 2230 2231
(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.	2232 2233
(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.	2234 2235
(5) "Nonresidential youth treatment program" means a program designed to provide services to persons under the age of eighteen in a setting that does not regularly provide long-term overnight care, including settlement houses, diversion and prevention programs, run-away centers, and alternative education programs.	2236 2237 2238 2239 2240
(6) "Firearm" has the same meaning as provided pursuant to the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2).	2241 2242 2243
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	2244 2245
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public	2246 2247

instruction.	2248
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	2249
(1) That the school shall be established as either of the following:	2250
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	2251
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	2252
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	2253
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;	2254
(4) Performance standards by which the success of the school will be evaluated by the sponsor. If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division.	2255
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2256
(6)(a) Dismissal procedures;	2257
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the	2258

student.	2278
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2279 2280
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	2281 2282 2283 2284 2285 2286
(9) The facilities to be used and their locations;	2287
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	2288 2289 2290 2291 2292 2293
(11) That the school will comply with the following requirements:	2294 2295
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	2296 2297 2298
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	2299 2300 2301
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	2302 2303 2304 2305
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, <u>2151.358</u> <u>2151.357</u> , 2151.421, 2313.18, 3301.0710,	2306 2307

3301.0711, 3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012,	2308
3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.67,	2309
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80,	2310
3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14,	2311
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52,	2312
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,	2313
4123., 4141., and 4167. of the Revised Code as if it were a school	2314
district and will comply with section 3301.0714 of the Revised	2315
Code in the manner specified in section 3314.17 of the Revised	2316
Code;	2317
(e) The school shall comply with Chapter 102. of the Revised	2318
Code except that nothing in that chapter shall prohibit a member	2319
of the school's governing board from also being an employee of the	2320
school and nothing in that chapter or section 2921.42 of the	2321
Revised Code shall prohibit a member of the school's governing	2322
board from having an interest in a contract into which the	2323
governing board enters that is not a contract with a for-profit	2324
firm for the operation or management of a school under the	2325
auspices of the governing authority;	2326
(f) The school will comply with sections 3313.61, 3313.611,	2327
and 3313.614 of the Revised Code, except that the requirement in	2328
sections 3313.61 and 3313.611 of the Revised Code that a person	2329
must successfully complete the curriculum in any high school prior	2330
to receiving a high school diploma may be met by completing the	2331
curriculum adopted by the governing authority of the community	2332
school rather than the curriculum specified in Title XXXIII of the	2333
Revised Code or any rules of the state board of education;	2334
(g) The school governing authority will submit within four	2335
months after the end of each school year a report of its	2336
activities and progress in meeting the goals and standards of	2337
divisions (A)(3) and (4) of this section and its financial status	2338
to the sponsor, the parents of all students enrolled in the	2339

school, and the legislative office of education oversight. The	2340
school will collect and provide any data that the legislative	2341
office of education oversight requests in furtherance of any study	2342
or research that the general assembly requires the office to	2343
conduct, including the studies required under Section 50.39 of Am.	2344
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of	2345
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.	2346
(12) Arrangements for providing health and other benefits to	2347
employees;	2348
(13) The length of the contract, which shall begin at the	2349
beginning of an academic year. No contract shall exceed five years	2350
unless such contract has been renewed pursuant to division (E) of	2351
this section.	2352
(14) The governing authority of the school, which shall be	2353
responsible for carrying out the provisions of the contract;	2354
(15) A financial plan detailing an estimated school budget	2355
for each year of the period of the contract and specifying the	2356
total estimated per pupil expenditure amount for each such year.	2357
The plan shall specify for each year the base formula amount that	2358
will be used for purposes of funding calculations under section	2359
3314.08 of the Revised Code. This base formula amount for any year	2360
shall not exceed the formula amount defined under section 3317.02	2361
of the Revised Code. The plan may also specify for any year a	2362
percentage figure to be used for reducing the per pupil amount of	2363
the subsidy calculated pursuant to section 3317.029 of the Revised	2364
Code the school is to receive that year under section 3314.08 of	2365
the Revised Code.	2366
(16) Requirements and procedures regarding the disposition of	2367
employees of the school in the event the contract is terminated or	2368
not renewed pursuant to section 3314.07 of the Revised Code;	2369
(17) Whether the school is to be created by converting all or	2370

part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	2371 2372 2373 2374 2375 2376 2377 2378
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	2379 2380 2381
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	2382 2383 2384 2385 2386 2387
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	2388 2389
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	2390 2391
(c) Permit the enrollment of students who reside in any other district in the state.	2392 2393
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	2394 2395 2396 2397
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	2398 2399 2400

(22) A provision recognizing both of the following:	2401
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	2402 2403 2404 2405
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;	2406 2407 2408 2409 2410 2411 2412
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;	2413 2414 2415 2416 2417 2418
(24) The school will comply with section 3302.04 of the Revised Code, including division (E) of that section to the extent possible, except that any action required to be taken by a school district pursuant to that section shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of that section.	2419 2420 2421 2422 2423 2424
(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section	2425 2426 2427 2428 2429 2430 2431

3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.	2432 2433
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	2434 2435 2436
(1) The process by which the governing authority of the school will be selected in the future;	2437 2438
(2) The management and administration of the school;	2439
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	2440 2441 2442 2443
(4) The instructional program and educational philosophy of the school;	2444 2445
(5) Internal financial controls.	2446
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	2447 2448 2449 2450 2451 2452 2453 2454 2455
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	2456 2457 2458 2459 2460
(1) Monitor the community school's compliance with all laws	2461

applicable to the school and with the terms of the contract;	2462
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	2463 2464 2465
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	2466 2467 2468 2469
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	2470 2471 2472
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	2473 2474 2475 2476 2477 2478 2479
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	2480 2481 2482
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	2483 2484 2485 2486 2487 2488 2489 2490 2491 2492

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code. Any contract that becomes void under this division shall not count toward any statewide limit on the number of such contracts prescribed by section 3314.013 of the Revised Code.	2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503
Sec. 3323.01. As used in this chapter and Chapter 3321. of the Revised Code:	2504 2505
(A) "Handicapped child" means a person under twenty-two years of age who is developmentally handicapped, hearing handicapped, speech handicapped, visually disabled, severe behavior handicapped, orthopedically handicapped, multihandicapped, other health handicapped, specific learning disabled, autistic, or traumatic brain injured, and by reason thereof requires special education.	2506 2507 2508 2509 2510 2511 2512
(B) "Special education program" means the required related services and instruction specifically designed to meet the unique needs of a handicapped child, including classroom instruction, home instruction, and instruction in hospitals and institutions and in other settings.	2513 2514 2515 2516 2517
(C) "Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a handicapped child to benefit from special education, including the early identification and assessment of handicapped conditions in children, speech pathology and audiology, psychological services, occupational and physical	2518 2519 2520 2521 2522 2523

therapy, physical education, recreation, counseling services	2524
including rehabilitative counseling, and medical services, except	2525
that such medical services shall be for diagnostic and evaluation	2526
purposes only.	2527
(D) "Appropriate public education" means special education	2528
and related services that:	2529
(1) Are provided at public expense and under public	2530
supervision;	2531
(2) Meet the standards of the state board of education;	2532
(3) Include an appropriate preschool, elementary, or	2533
secondary education;	2534
(4) Are provided in conformity with the individualized	2535
education program required under this chapter.	2536
(E) "Individualized education program" means a written	2537
statement for each handicapped child designed to meet the unique	2538
needs of a handicapped child, which statement shall include:	2539
(1) A statement of the present levels of educational	2540
performance of such child;	2541
(2) A statement of annual goals, including short-term	2542
instructional objectives;	2543
(3) A statement of the specific educational services to be	2544
provided to such child, and the extent to which such child will be	2545
able to participate in regular educational programs;	2546
(4) A statement of the transition services needed for such	2547
child beginning no later than age sixteen and annually thereafter	2548
(and, when determined appropriate for such child, beginning at age	2549
fourteen or younger), including, when appropriate, a statement of	2550
the interagency responsibilities and linkages before the student	2551
leaves the school setting;	2552

(5) The projected date for initiation and anticipated duration of such services;	2553 2554
(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved, and whether current placement is appropriate.	2555 2556 2557 2558
(F) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, other than a school district or an agency administered by the department of mental retardation and developmental disabilities, that provides or seeks to provide special education or related services to handicapped children.	2559 2560 2561 2562 2563 2564 2565
(G) "School district" means a city, local, or exempted village school district.	2566 2567
(H) "Parents" means either parent. If the parents are separated or divorced, "parent" means the parent who is the residential parent and legal custodian of the handicapped child. Except as used in division (I) of this section and in sections 3323.09 and 3323.141 of the Revised Code, "parents" includes a child's guardian or custodian. This definition does not apply to Chapter 3321. of the Revised Code.	2568 2569 2570 2571 2572 2573 2574
(I) As used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, "school district of residence" means:	2575 2576
(1) The school district in which the child's parents reside;	2577
(2) If the school district specified in division (I)(1) of this section cannot be determined, the last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown;	2578 2579 2580 2581
(3) If the school district specified in division (I)(2) of	2582

this section cannot be determined, the school district determined by the court under section 2151.357 <ins>2151.362</ins> of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides. The school district of residence that had been established under this section on December 12, 1983, shall remain the child's school district of residence unless a district of residence can be determined under division (I)(1) or (2) of this section.	2583 2584 2585 2586 2587 2588 2589 2590 2591
(4) Notwithstanding divisions (I)(1) to (3) of this section, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.	2592 2593 2594 2595
(J) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	2596 2597
(K) "Handicapped preschool child" means a handicapped child who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	2598 2599 2600 2601
(L) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that:	2602 2603 2604
(1) Promotes movement from school to post-school activities, including post-secondary education; vocational training; integrated employment, including supported employment; continuing and adult education; adult services; independent living; and community participation;	2605 2606 2607 2608 2609
(2) Is based upon the individual student's needs, including taking into account the student's preferences and interests;	2610 2611
(3) Includes instruction, community experiences, the	2612

development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.	2613 2614 2615
(M) "Visual disability" for any individual means that one of the following applies to the individual:	2616 2617
(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than twenty degrees.	2618 2619 2620 2621
(2) The individual has a medically indicated expectation of meeting the requirements of division (M)(1) of this section over a period of time.	2622 2623 2624
(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.	2625 2626 2627 2628 2629
(N) "Student with a visual disability" means any person under twenty-two years of age who has a visual disability.	2630 2631
(O) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.	2632 2633 2634
Sec. 4301.69. (A) Except as otherwise provided in this chapter, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.	2635 2636 2637 2638 2639 2640 2641 2642

In proceedings before the liquor control commission, no permit holder, or the employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of division (A)(1) of section 4301.22 of the Revised Code.	2643 2644 2645 2646 2647
(B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.	2648 2649 2650 2651 2652 2653 2654 2655 2656
An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.	2657 2658 2659 2660
(C) No person shall engage or use accommodations at a hotel, inn, cabin, campground, or restaurant when the person knows or has reason to know either of the following:	2661 2662 2663
(1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and who is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;	2664 2665 2666 2667 2668 2669 2670 2671 2672
(2) That a drug of abuse will be consumed on the premises of	2673

the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and has the drug of abuse in the original container in which it was dispensed to the person.	2674 2675 2676 2677 2678
(D)(1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin, or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not accompanied by a parent, spouse who is not an underage person, or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.	2679 2680 2681 2682 2683 2684 2685 2686 2687
(2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin, or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.	2688 2689 2690 2691 2692
(E)(1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in division (E)(1) of this section against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.	2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704

(2)(a) If a person is charged with violating division (E)(1) of this section in a complaint filed under section 2151.27 of the Revised Code, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under division (E)(2)(a) of this section if the child previously has been diverted pursuant to division (E)(2)(a) of this section. If the child completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the child's record in the case sealed under division (D)(3) of section sections 2151.356 to 2151.358 of the Revised Code. If the child fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.	2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718
(b) If a person is charged in a criminal complaint with violating division (E)(1) of this section, section 2935.36 of the Revised Code shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to division (E)(2)(a) or (b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under section 2953.52 of the Revised Code. If the person fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.	2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729
(F) No parent, spouse who is not an underage person, or legal guardian of a minor shall knowingly permit the minor to violate this section or section 4301.63, 4301.633, or 4301.634 of the Revised Code.	2730 2731 2732 2733
(G) The operator of any hotel, inn, cabin, or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn,	2734 2735 2736

cabin, or campground.	2737
(H) As used in this section:	2738
(1) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.	2739 2740
(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.	2741 2742
(3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	2743 2744 2745
(4) "Minor" means a person under the age of eighteen years.	2746
(5) "Underage person" means a person under the age of twenty-one years.	2747 2748
Section 2. That existing sections 2151.313, 2151.357, 2152.72, 2930.13, 3301.0714, 3313.64, 3313.662, 3314.03, 3323.01, and 4301.69 and section 2151.358 of the Revised Code are hereby repealed.	2749 2750 2751 2752