

**As Reported by the Senate Judiciary--Civil Justice Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 137**

**Representatives Gilb, Willamowski, Latta, Wagoner, McGregor, J., Fessler,**

**Aslanides, Book, Combs, DeGeeter, Domenick, Evans, C., Gibbs, Key,**

**Patton, T., Reidelbach, Seitz**

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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 49  
section, all fingerprints and photographs of a child obtained or 50  
taken under division (A)(1) or (2) of this section, and any 51  
records of the arrest or custody of the child that was the basis 52  
for the taking of the fingerprints or photographs, initially may 53  
be retained only until the expiration of thirty days after the 54  
date taken, except that the court may limit the initial retention 55  
of fingerprints and photographs of a child obtained under division 56  
(A)(1) of this section to a shorter period of time and except 57  
that, if the child is adjudicated a delinquent child for the 58  
commission of an act described in division (B)(3) of this section 59  
or is convicted of or pleads guilty to a criminal offense for the 60  
commission of an act described in division (B)(3) of this section, 61  
the fingerprints and photographs, and the records of the arrest or 62  
custody of the child that was the basis for the taking of the 63  
fingerprints and photographs, shall be retained in accordance with 64  
division (B)(3) of this section. During the initial period of 65  
retention, the fingerprints and photographs of a child, copies of 66  
the fingerprints and photographs, and records of the arrest or 67  
custody of the child shall be used or released only in accordance 68  
with division (C) of this section. At the expiration of the 69  
initial period for which fingerprints and photographs of a child, 70  
copies of fingerprints and photographs of a child, and records of 71  
the arrest or custody of a child may be retained under this 72  
division, if no complaint, indictment, or information is pending 73  
against the child in relation to the act for which the 74  
fingerprints and photographs originally were obtained or taken and 75  
if the child has neither been adjudicated a delinquent child for 76  
the commission of that act nor been convicted of or pleaded guilty 77  
to a criminal offense based on that act subsequent to a transfer 78  
of the child's case for criminal prosecution pursuant to section 79  
2152.12 of the Revised Code, the fingerprints and photographs of 80  
the child, all copies of the fingerprints and photographs, and all 81

records of the arrest or custody of the child that was the basis  
of the taking of the fingerprints and photographs shall be removed  
from the file and delivered to the juvenile court.

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(2) If, at the expiration of the initial period of retention  
set forth in division (B)(1) of this section, a complaint,  
indictment, or information is pending ~~against~~ against the child in  
relation to the act for which the fingerprints and photographs  
originally were obtained or the child either has been adjudicated  
a delinquent child for the commission of an act other than an act  
described in division (B)(3) of this section or has been convicted  
of or pleaded guilty to a criminal offense for the commission of  
an act other than an act described in division (B)(3) of this  
section subsequent to transfer of the child's case, the  
fingerprints and photographs of the child, copies of the  
fingerprints and photographs, and the records of the arrest or  
custody of the child that was the basis of the taking of the  
fingerprints and photographs may further be retained, subject to  
division (B)(4) of this section, until the earlier of the  
expiration of two years after the date on which the fingerprints  
or photographs were taken or the child attains eighteen years of  
age, 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.

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Except as otherwise provided in division (B)(3) of this  
section, during this additional period of retention, the  
fingerprints and photographs of a child, copies of the  
fingerprints and photographs of a child, and records of the arrest

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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  
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.

(3) If a child is adjudicated a delinquent child for  
violating section 2923.42 of the Revised Code or for committing an  
act that would be a misdemeanor offense of violence if committed  
by an adult, or is convicted of or pleads guilty to a violation of  
section 2923.42 of the Revised Code, a misdemeanor offense of  
violence, or a violation of an existing or former municipal  
ordinance or law of this state, another state, or the United  
States that is substantially equivalent to section 2923.42 of the  
Revised Code or any misdemeanor offense of violence, both of the  
following apply:

(a) Originals and copies of fingerprints and photographs of  
the child obtained or taken under division (A)(1) of this section,  
and any records of the arrest or custody that was the basis for  
the taking of the fingerprints or photographs, may be retained for  
the period of time specified by the juvenile judge in that judge's  
grant of consent for the taking of the fingerprints or  
photographs. Upon the expiration of the specified period, all  
originals and copies of the fingerprints, photographs, and records  
shall be delivered to the juvenile court or otherwise disposed of  
in accordance with any instructions specified by the juvenile  
judge in that judge's grant of consent. During the period of  
retention of the photographs and records, all originals and copies  
of them shall be retained in a file separate and apart from all  
photographs taken of adults. During the period of retention of the  
fingerprints, all originals and copies of them may be maintained  
in the files of fingerprints taken of adults. If the juvenile  
judge who grants consent for the taking of fingerprints and  
photographs under division (A)(1) of this section does not specify

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 211  
of a criminal offense or shall remove them from the file in which 212  
they had been maintained and deliver them to the juvenile court. 213  
If the originals and copies of any fingerprints of a child who 214  
attains eighteen years of age are maintained in the files of 215  
fingerprints taken of adults or if pursuant to division 216  
(B)(3)(b)(ii) of this section the agency transfers the originals 217  
and copies of any fingerprints not maintained in adult files, 218  
photographs, or records to the files that are used for the 219  
retention of fingerprints and photographs taken of adults who are 220  
arrested for, otherwise taken into custody for, or under 221  
investigation for the commission of a criminal offense, the 222  
originals and copies of the fingerprints, photographs, and records 223  
may be maintained, used, and released after they are maintained in 224  
the adult files or after the transfer as if the fingerprints and 225  
photographs had been taken of, and as if the records pertained to, 226  
an adult who was arrested for, otherwise taken into custody for, 227  
or under investigation for the commission of a criminal offense. 228

(4) If a sealing or expungement order issued under ~~section~~ 229  
sections 2151.356 to 2151.358 of the Revised Code requires the 230  
sealing or destruction of any fingerprints or photographs of a 231  
child obtained or taken under division (A)(1) or (2) of this 232  
section or of the records of an arrest or custody of a child that 233  
was the basis of the taking of the fingerprints or photographs 234  
prior to the expiration of any period for which they otherwise 235  
could be retained under division (B)(1), (2), or (3) of this 236  
section, the fingerprints, photographs, and arrest or custody 237  
records that are subject to the order and all copies of the 238  
fingerprints, photographs, and arrest or custody records shall be 239  
sealed or destroyed in accordance with the order. 240

(5) All fingerprints of a child, photographs of a child, 241  
records of an arrest or custody of a child, and copies delivered 242



to a juvenile court in accordance with division (B)(1), (2), or 243  
(3) of this section shall be destroyed by the court, provided 244  
that, if a complaint is filed against the child in relation to any 245  
act to which the records pertain, the court shall maintain all 246  
records of an arrest or custody of a child so delivered for at 247  
least three years after the final disposition of the case or after 248  
the case becomes inactive. 249

(6)(a) All photographs of a child and records of an arrest or 250  
custody of a child retained pursuant to division (B) of this 251  
section and not delivered to a juvenile court shall be kept in a 252  
file separate and apart from fingerprints, photographs, and 253  
records of an arrest or custody of an adult. All fingerprints of a 254  
child retained pursuant to division (B) of this section and not 255  
delivered to a juvenile court may be maintained in the files of 256  
fingerprints taken of adults. 257

(b) If a child who is the subject of photographs or 258  
fingerprints is adjudicated a delinquent child for the commission 259  
of an act that would be an offense, other than a traffic offense 260  
or a minor misdemeanor, if committed by an adult or is convicted 261  
of or pleads guilty to a criminal offense, other than a traffic 262  
offense or a minor misdemeanor, all fingerprints not maintained in 263  
the files of fingerprints taken of adults and all photographs of 264  
the child, and all records of the arrest or custody of the child 265  
that is the basis of the taking of the fingerprints or 266  
photographs, that are retained pursuant to division (B) of this 267  
section and not delivered to a juvenile court shall be kept in a 268  
file separate and apart from fingerprints, photographs, and arrest 269  
and custody records of children who have not been adjudicated a 270  
delinquent child for the commission of an act that would be an 271  
offense, other than a traffic offense or a minor misdemeanor, if 272  
committed by an adult and have not been convicted of or pleaded 273  
guilty to a criminal offense other than a traffic offense or a 274

minor misdemeanor. 275

(C) Until they are delivered to the juvenile court or sealed, 276  
transferred in accordance with division (B)(3)(b) of this section, 277  
or destroyed pursuant to a sealing or expungement order, the 278  
originals and copies of fingerprints and photographs of a child 279  
that are obtained or taken pursuant to division (A)(1) or (2) of 280  
this section, and the records of the arrest or custody of the 281  
child that was the basis of the taking of the fingerprints or 282  
photographs, shall be used or released only as follows: 283

(1) During the initial thirty-day period of retention, 284  
originals and copies of fingerprints and photographs of a child, 285  
and records of the arrest or custody of a child, shall be used, 286  
prior to the filing of a complaint or information against or the 287  
obtaining of an indictment of the child in relation to the act for 288  
which the fingerprints and photographs were originally obtained or 289  
taken, only for the investigation of that act and shall be 290  
released, prior to the filing of the complaint, only to a court 291  
that would have jurisdiction of the child's case under this 292  
chapter. Subsequent to the filing of a complaint or information or 293  
the obtaining of an indictment, originals and copies of 294  
fingerprints and photographs of a child, and records of the arrest 295  
or custody of a child, shall be used or released during the 296  
initial thirty-day period of retention only as provided in 297  
division (C)(2)(a), (b), or (c) of this section. 298

(2) Originals and copies of fingerprints and photographs of a 299  
child, and records of the arrest or custody of a child, that are 300  
retained beyond the initial thirty-day period of retention 301  
subsequent to the filing of a complaint or information or the 302  
obtaining of an indictment, a delinquent child adjudication, or a 303  
conviction of or guilty plea to a criminal offense shall be used 304  
or released only as follows: 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:

(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.

(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.

(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.

(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:

(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;

(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.

(D) No person shall knowingly do any of the following:

(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;

(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;

(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.

Sec. 2151.355. As used in sections 2151.356 to 2151.358 of the Revised Code:

(A) "Expunge" 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.

(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. 367  
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**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. 371  
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(B)(1) The juvenile court shall promptly order the immediate sealing of records pertaining to a juvenile in any of the following circumstances: 375  
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(a) If the court receives a record from a public office or agency under division (B)(2) of this section; 378  
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(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; 380  
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(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; 385  
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(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; 390  
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(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been 395  
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adjudicated an unruly child, that person has attained eighteen 397  
years of age, and the person is not under the jurisdiction of the 398  
court in relation to a complaint alleging the person to be a 399  
delinquent child. 400

(2) The appropriate public office or agency shall immediately 401  
deliver all original records at that public office or agency 402  
pertaining to a juvenile to the court, if the person was arrested 403  
or taken into custody for allegedly committing a delinquent or 404  
unruly act, no complaint was filed against the person with respect 405  
to the commission of the act pursuant to section 2151.27 of the 406  
Revised Code, and the person was not brought before or referred to 407  
the court for the commission of the act. The records delivered to 408  
the court as required under this division shall not include 409  
fingerprints, DNA specimens, and DNA records described under 410  
division (A)(3) of section 2151.357 of the Revised Code. 411

(C)(1) The juvenile court shall consider the sealing of 412  
records pertaining to a juvenile upon the court's own motion or 413  
upon the application of a person if the person has been 414  
adjudicated a delinquent child for committing an act other than a 415  
violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 416  
2907.05 of the Revised Code, an unruly child, or a juvenile 417  
traffic offender and if, at the time of the motion or application, 418  
the person is not under the jurisdiction of the court in relation 419  
to a complaint alleging the person to be a delinquent child. The 420  
motion or application may be made at any time after two years 421  
after the later of the following: 422

(a) The termination of any order made by the court in 423  
relation to the adjudication; 424

(b) The unconditional discharge of the person from the 425  
department of youth services with respect to a dispositional order 426  
made in relation to the adjudication or from an institution or 427

facility to which the person was committed pursuant to a 428  
dispositional order made in relation to the adjudication. 429

(2) In making the determination whether to seal records 430  
pursuant to division (C)(1) of this section, all of the following 431  
apply: 432

(a) The court may require a person filing an application 433  
under division (C)(1) of this section to submit any relevant 434  
documentation to support the application. 435

(b) The court may cause an investigation to be made to 436  
determine if the person who is the subject of the proceedings has 437  
been rehabilitated to a satisfactory degree. 438

(c) The court shall promptly notify the prosecuting attorney 439  
of any proceedings to seal records initiated pursuant to division 440  
(C)(1) of this section. 441

(d)(i) The prosecuting attorney may file a response with the 442  
court within thirty days of receiving notice of the sealing 443  
proceedings. 444

(ii) If the prosecuting attorney does not file a response 445  
with the court or if the prosecuting attorney files a response but 446  
indicates that the prosecuting attorney does not object to the 447  
sealing of the records, the court may order the records of the 448  
person that are under consideration to be sealed without 449  
conducting a hearing on the motion or application. If the court 450  
decides in its discretion to conduct a hearing on the motion or 451  
application, the court shall conduct the hearing within thirty 452  
days after making that decision and shall give notice, by regular 453  
mail, of the date, time, and location of the hearing to the 454  
prosecuting attorney and to the person who is the subject of the 455  
records under consideration. 456

(iii) If the prosecuting attorney files a response with the 457

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.

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(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:

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(i) The age of the person;

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(ii) The nature of the case;

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(iii) The cessation or continuation of delinquent, unruly, or  
criminal behavior;

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(iv) The education and employment history of the person;

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(v) Any other circumstances that may relate to the  
rehabilitation of the person who is the subject of the records  
under consideration.

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(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

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what expunging a record means.

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(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular 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 and if the court does not seal the person's record upon the court's own motion, 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.

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(2) 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 written notice to the person that does all of the following:

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(a) States that the person may apply to the court for an order to seal the record;

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(b) Explains what sealing a record means;

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(c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;

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(d) Explains what expunging a record means.

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(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.

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Sec. 2151.357. (A) If the court orders the records of a 518  
person sealed pursuant to section 2151.356 of the Revised Code, 519  
the person who is subject of the order properly may, and the court 520  
shall, reply that no record exists with respect to the person upon 521  
any inquiry in the matter, and the court, except as provided in 522  
division (D) of this section, shall do all of the following: 523

(1) Order that the proceedings in a case described in 524  
divisions (B) and (C) of section 2151.356 of the Revised Code be 525  
deemed never to have occurred; 526

(2) Except as provided in division (C) of this section, 527  
delete all index references to the case and the person so that the 528  
references are permanently irretrievable; 529

(3) Order that all original records of the case maintained by 530  
any public office or agency, except fingerprints held by a law 531  
enforcement agency, DNA specimens collected pursuant to section 532  
2152.74 of the Revised Code, and DNA records derived from DNA 533  
specimens pursuant to section 109.573 of the Revised Code, be 534  
delivered to the court; 535

(4) Order each public office or agency, upon the delivering 536  
of records to the court under division (A)(3) of this section, to 537  
expunge remaining records of the case that are the subject of the 538  
sealing order that are maintained by that public office or agency, 539  
except fingerprints, DNA specimens, and DNA records described 540  
under division (A)(3) of this section; 541

(5) Send notice of the order to seal to any public office or 542  
agency that the court has reason to believe may have a record of 543  
the sealed record; 544

(6) Seal all of the records delivered to the court under 545  
division (A)(3) of this section, in a separate file in which only 546  
sealed records are maintained. 547

(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.

(C) The court that maintains sealed records pursuant to this section may maintain a manual or computerized index of the sealed records and shall make the index available only for the purposes set forth in division (E) of this section.

(1) Each entry regarding a sealed record in the index of sealed records shall contain all of the following:

(a) The name of the person who is the subject of the sealed record;

(b) An alphanumeric identifier relating to the person who is the subject of the sealed record;

(c) The word "sealed";

(d) The name of the court that has custody of the sealed record.

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:

(a) The social security number of the person who is subject of the sealed record;

(b) The name or a description of the act committed. 578

(D) Notwithstanding any provision of this section that 579  
requires otherwise, a board of education of a city, local, 580  
exempted village, or joint vocational school district that 581  
maintains records of an individual who has been permanently 582  
excluded under sections 3301.121 and 3313.662 of the Revised Code 583  
is permitted to maintain records regarding an adjudication that 584  
the individual is a delinquent child that was used as the basis 585  
for the individual's permanent exclusion, regardless of a court 586  
order to seal the record. An order issued under section 2151.356 587  
of the Revised Code to seal the record of an adjudication that an 588  
individual is a delinquent child does not revoke the adjudication 589  
order of the superintendent of public instruction to permanently 590  
exclude the individual who is the subject of the sealing order. An 591  
order to seal the record of an adjudication that an individual is 592  
a delinquent child may be presented to a district superintendent 593  
as evidence to support the contention that the superintendent 594  
should recommend that the permanent exclusion of the individual 595  
who is the subject of the sealing order be revoked. Except as 596  
otherwise authorized by this division and sections 3301.121 and 597  
3313.662 of the Revised Code, any school employee in possession of 598  
or having access to the sealed adjudication records of an 599  
individual that were the basis of a permanent exclusion of the 600  
individual is subject to division (F) of this section. 601

(E) Inspection of records that have been ordered sealed under 602  
section 2151.356 of the Revised Code may be made only by the 603  
following persons or for the following purposes: 604

(1) By the court; 605

(2) If the records in question pertain to an act that would 606  
be an offense of violence that would be a felony if committed by 607  
an adult, by any law enforcement officer or any prosecutor, or the 608

assistants of a law enforcement officer or prosecutor, for any 609  
valid law enforcement or prosecutorial purpose; 610

(3) Upon application by the person who is the subject of the 611  
sealed records, by the person that is named in that application; 612

(4) If the records in question pertain to an alleged 613  
violation of division (E)(1) of section 4301.69 of the Revised 614  
Code, by any law enforcement officer or any prosecutor, or the 615  
assistants of a law enforcement officer or prosecutor, for the 616  
purpose of determining whether the person is eligible for 617  
diversion under division (E)(2) of section 4301.69 of the Revised 618  
Code; 619

(5) At the request of a party in a civil action that is based 620  
on a case the records for which are the subject of a sealing order 621  
issued under section 2151.356 of the Revised Code, as needed for 622  
the civil action. The party also may copy the records as needed 623  
for the civil action. The sealed records shall be used solely in 624  
the civil action and are otherwise confidential and subject to the 625  
provisions of this section. 626

(F) No officer or employee of the state or any of its 627  
political subdivisions shall knowingly release, disseminate, or 628  
make available for any purpose involving employment, bonding, 629  
licensing, or education to any person or to any department, 630  
agency, or other instrumentality of the state or of any of its 631  
political subdivisions any information or other data concerning 632  
any arrest, taking into custody, complaint, indictment, 633  
information, trial, hearing, adjudication, or correctional 634  
supervision, the records of which have been sealed pursuant to 635  
section 2151.356 of the Revised Code and the release, 636  
dissemination, or making available of which is not expressly 637  
permitted by this section. Whoever violates this division is 638  
guilty of divulging confidential information, a misdemeanor of the 639

fourth degree.

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

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

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**Sec. 2151.358.** (A) The juvenile court shall expunge all

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records sealed under section 2151.356 of the Revised Code five 671  
years after the court issues a sealing order or upon the 672  
twenty-third birthday of the person who is the subject of the 673  
sealing order, whichever date is earlier. 674

(B) Notwithstanding division (A) of this section, upon 675  
application by the person who has had a record sealed under 676  
section 2151.356 of the Revised Code, the juvenile court may 677  
expunge a record sealed under section 2151.356 of the Revised 678  
Code. In making the determination whether to expunge records, all 679  
of the following apply: 680

(1) The court may require a person filing an application for 681  
expungement to submit any relevant documentation to support the 682  
application. 683

(2) The court may cause an investigation to be made to 684  
determine if the person who is the subject of the proceedings has 685  
been rehabilitated to a satisfactory degree. 686

(3) The court shall promptly notify the prosecuting attorney 687  
of any proceedings to expunge records. 688

(4)(a) The prosecuting attorney may file a response with the 689  
court within thirty days of receiving notice of the expungement 690  
proceedings. 691

(b) If the prosecuting attorney does not file a response with 692  
the court or if the prosecuting attorney files a response but 693  
indicates that the prosecuting attorney does not object to the 694  
expungement of the records, the court may order the records of the 695  
person that are under consideration to be expunged without 696  
conducting a hearing on the application. If the court decides in 697  
its discretion to conduct a hearing on the application, the court 698  
shall conduct the hearing within thirty days after making that 699  
decision and shall give notice, by regular mail, of the date, 700

time, and location of the hearing to the prosecuting attorney and 701  
to the person who is the subject of the records under 702  
consideration. 703

(c) If the prosecuting attorney files a response with the 704  
court that indicates that the prosecuting attorney objects to the 705  
expungement of the records, the court shall conduct a hearing on 706  
the application within thirty days after the court receives the 707  
response. The court shall give notice, by regular mail, of the 708  
date, time, and location of the hearing to the prosecuting 709  
attorney and to the person who is the subject of the records under 710  
consideration. 711

(5) After conducting a hearing in accordance with division 712  
(B)(4) of this section or after due consideration when a hearing 713  
is not conducted, the court may order the records of the person 714  
that are the subject of the application to be expunged if it finds 715  
that the person has been rehabilitated to a satisfactory degree. 716  
In determining whether the person has been rehabilitated to a 717  
satisfactory degree, the court may consider all of the following: 718

(a) The age of the person; 719

(b) The nature of the case; 720

(c) The cessation or continuation of delinquent, unruly, or 721  
criminal behavior; 722

(d) The education and employment history of the person; 723

(e) Any other circumstances that may relate to the 724  
rehabilitation of the person who is the subject of the records 725  
under consideration. 726

(C) If the juvenile court is notified by any party in a civil 727  
action that a civil action has been filed based on a case the 728  
records for which are the subject of a sealing order, the juvenile 729  
court shall not expunge a record sealed under section 2151.356 of 730



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.

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(D) 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.

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**Sec. ~~2151.357~~ 2151.362.** (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, 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. That school district shall bear the cost of educating the child unless and until the court modifies its order pursuant to division (A)(2) of this section.

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(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education notifies the court that the place of residence of the child's parent has changed since the court issued its initial order, the court may modify its order to name a different school district to bear the cost of educating the child. The department may submit the notice to the court upon receipt, from the school district initially ordered to bear the cost of educating the child, of evidence acceptable to the department that the residence of the child's parent has changed since the court issued its initial order. In the notice to the court, the department shall recommend to the court whether a different district should be ordered to bear the cost of educating the child and, if so, which

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district should be so ordered. The department shall recommend to 762  
the court the district in which the child's parent currently 763  
resides or, if the parent's residence is not known, the district 764  
in which the parent's last known residence is located. If the 765  
department cannot determine any Ohio district in which the parent 766  
currently resides or has resided, the school district designated 767  
in the initial court order shall continue to bear the cost of 768  
educating the child. 769

The court may consider the content of a notice by the 770  
department of education under division (A)(2) of this section as 771  
conclusive evidence as to which school district should bear the 772  
cost of educating the child and may amend its order accordingly. 773

(B) Whenever a child is placed in a detention facility 774  
established under section 2152.41 of the Revised Code or a 775  
juvenile facility established under section 2151.65 of the Revised 776  
Code, the child's school district as determined by the court shall 777  
pay the cost of educating the child based on the per capita cost 778  
of the educational facility within the detention home or juvenile 779  
facility. 780

(C) Whenever a child is placed by the court in a private 781  
institution, school, or residential treatment center or any other 782  
private facility, the state shall pay to the court a subsidy to 783  
help defray the expense of educating the child in an amount equal 784  
to the product of the daily per capita educational cost of the 785  
private facility, as determined pursuant to this section, and the 786  
number of days the child resides at the private facility, provided 787  
that the subsidy shall not exceed twenty-five hundred dollars per 788  
year per child. The daily per capita educational cost of a private 789  
facility shall be determined by dividing the actual program cost 790  
of the private facility or twenty-five hundred dollars, whichever 791  
is less, by three hundred sixty-five days or by three hundred 792  
sixty-six days for years that include February twenty-ninth. The 793

state shall pay seventy-five per cent of the total subsidy for 794  
each year quarterly to the court. The state may adjust the 795  
remaining twenty-five per cent of the total subsidy to be paid to 796  
the court for each year to an amount that is less than twenty-five 797  
per cent of the total subsidy for that year based upon the 798  
availability of funds appropriated to the department of education 799  
for the purpose of subsidizing courts that place a child in a 800  
private institution, school, or residential treatment center or 801  
any other private facility and shall pay that adjusted amount to 802  
the court at the end of the year. 803

**Sec. 2152.72.** (A) This section applies only to a child who is 804  
or previously has been adjudicated a delinquent child for an act 805  
to which any of the following applies: 806

(1) The act is a violation of section 2903.01, 2903.02, 807  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 808  
2907.05 of the Revised Code. 809

(2) The act is a violation of section 2923.01 of the Revised 810  
Code and involved an attempt to commit aggravated murder or 811  
murder. 812

(3) The act would be a felony if committed by an adult, and 813  
the court determined that the child, if an adult, would be guilty 814  
of a specification found in section 2941.141, 2941.144, or 815  
2941.145 of the Revised Code or in another section of the Revised 816  
Code that relates to the possession or use of a firearm during the 817  
commission of the act for which the child was adjudicated a 818  
delinquent child. 819

(4) The act would be an offense of violence that is a felony 820  
if committed by an adult, and the court determined that the child, 821  
if an adult, would be guilty of a specification found in section 822  
2941.1411 of the Revised Code or in another section of the Revised 823

Code that relates to the wearing or carrying of body armor during 824  
the commission of the act for which the child was adjudicated a 825  
delinquent child. 826

(B)(1) Except as provided in division (E) of this section, a 827  
public children services agency, private child placing agency, 828  
private noncustodial agency, or court, the department of youth 829  
services, or another private or government entity shall not place 830  
a child in a certified foster home or for adoption until it 831  
provides the foster caregivers or prospective adoptive parents 832  
with all of the following: 833

(a) A written report describing the child's social history; 834

(b) A written report describing all the acts committed by the 835  
child the entity knows of that resulted in the child being 836  
adjudicated a delinquent child and the disposition made by the 837  
court, unless the records pertaining to the acts have been sealed 838  
pursuant to section ~~2151.358~~ 2151.356 of the Revised Code; 839

(c) A written report describing any other violent act 840  
committed by the child of which the entity is aware; 841

(d) The substantial and material conclusions and 842  
recommendations of any psychiatric or psychological examination 843  
conducted on the child or, if no psychological or psychiatric 844  
examination of the child is available, the substantial and 845  
material conclusions and recommendations of an examination to 846  
detect mental and emotional disorders conducted in compliance with 847  
the requirements of Chapter 4757. of the Revised Code by an 848  
independent social worker, social worker, professional clinical 849  
counselor, or professional counselor licensed under that chapter. 850  
The entity shall not provide any part of a psychological, 851  
psychiatric, or mental and emotional disorder examination to the 852  
foster caregivers or prospective adoptive parents other than the 853  
substantial and material conclusions. 854

(2) Notwithstanding ~~section~~ sections 2151.356 to 2151.358 of 855  
the Revised Code, if records of an adjudication that a child is a 856  
delinquent child have been sealed pursuant to ~~that section~~ those 857  
sections and an entity knows the records have been sealed, the 858  
entity shall provide the foster caregivers or prospective adoptive 859  
parents a written statement that the records of a prior 860  
adjudication have been sealed. 861

(C)(1) The entity that places the child in a certified foster 862  
home or for adoption shall conduct a psychological examination of 863  
the child unless either of the following applies: 864

(a) An entity is not required to conduct the examination if 865  
an examination was conducted no more than one year prior to the 866  
child's placement, and division (C)(1)(b) of this section does not 867  
apply. 868

(b) An entity is not required to conduct the examination if a 869  
foster caregiver seeks to adopt the foster caregiver's foster 870  
child, and an examination was conducted no more than two years 871  
prior to the date the foster caregiver seeks to adopt the child. 872

(2) No later than sixty days after placing the child, the 873  
entity shall provide the foster caregiver or prospective adoptive 874  
parents a written report detailing the substantial and material 875  
conclusions and recommendations of the examination conducted 876  
pursuant to this division. 877

(D)(1) Except as provided in divisions (D)(2) and (3) of this 878  
section, the expenses of conducting the examinations and preparing 879  
the reports and assessment required by division (B) or (C) of this 880  
section shall be paid by the entity that places the child in the 881  
certified foster home or for adoption. 882

(2) When a juvenile court grants temporary or permanent 883  
custody of a child pursuant to any section of the Revised Code, 884  
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 885

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  
does not provide the information described in division (B) of this  
section.

(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:

(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;

(b) A juvenile court with temporary or permanent custody of a  
child pursuant to section 2151.354 or 2152.19 of the Revised Code;

(c) A public children services agency or private child  
placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division 917  
(B) of this section shall provide the entity described in division 918  
(D)(3)(a) to (c) of this section that sent the information written 919  
acknowledgment that the agency received the information and 920  
provided it to the foster caregivers or prospective adoptive 921  
parents. The entity shall keep the acknowledgment and provide a 922  
copy to the agency. An entity that places a child in a certified 923  
foster home or for adoption with the assistance of or by 924  
contracting with an agency remains responsible to provide the 925  
information described in division (B) of this section to the 926  
foster caregivers or prospective adoptive parents unless the 927  
entity receives written acknowledgment that the agency provided 928  
the information. 929

(E) If a child is placed in a certified foster home as a 930  
result of an emergency removal of the child from home pursuant to 931  
division (D) of section 2151.31 of the Revised Code, an emergency 932  
change in the child's case plan pursuant to division (E)(3) of 933  
section 2151.412 of the Revised Code, or an emergency placement by 934  
the department of youth services pursuant to this chapter or 935  
Chapter 5139. of the Revised Code, the entity that places the 936  
child in the certified foster home shall provide the information 937  
described in division (B) of this section no later than ninety-six 938  
hours after the child is placed in the certified foster home. 939

(F) On receipt of the information described in divisions (B) 940  
and (C) of this section, the foster caregiver or prospective 941  
adoptive parents shall provide to the entity that places the child 942  
in the foster caregiver's or prospective adoptive parents' home a 943  
written acknowledgment that the foster caregiver or prospective 944  
adoptive parents received the information. The entity shall keep 945  
the acknowledgment and provide a copy to the foster caregiver or 946  
prospective adoptive parents. 947

(G) No person employed by an entity subject to this section 948

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.

(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.

(I) As used in this section:

(1) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.

(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

**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.

(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~~ 2152.18 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 979  
delinquent act to the probation officer or other person. The 980  
probation officer or other person shall use the statement in 981  
preparing the presentence investigation report or disposition 982  
investigation report and, upon the victim's request, shall include 983  
a written statement submitted by the victim in the presentence 984  
investigation report or disposition investigation report. 985

(C) A statement made by the victim under division (A) or (B) 986  
of this section may include the following: 987

(1) An explanation of the nature and extent of any physical, 988  
psychological, or emotional harm suffered by the victim as a 989  
result of the crime or specified delinquent act that is the basis 990  
of the case; 991

(2) An explanation of the extent of any property damage or 992  
other economic loss suffered by the victim as a result of that 993  
crime or specified delinquent act; 994

(3) An opinion regarding the extent to which, if any, the 995  
victim needs restitution for harm caused by the defendant or 996  
alleged juvenile offender as a result of that crime or specified 997  
delinquent act and information about whether the victim has 998  
applied for or received any compensation for loss or damage caused 999  
by that crime or specified delinquent act; 1000

(4) The victim's recommendation for an appropriate sanction 1001  
or disposition for the defendant or alleged juvenile offender 1002  
regarding that crime or specified delinquent act. 1003

(D) If a statement made by a victim under division (A) of 1004  
this section is included in a victim impact statement, the 1005  
provision, receipt, and retention of copies of, the use of, and 1006  
the confidentiality, nonpublic record character, and sealing of 1007  
the victim impact statement is governed by division ~~(H)~~(B)(2) of 1008  
section ~~2151.355~~ 2152.20 or by division (C) of section 2947.051 of 1009

the Revised Code, as appropriate. If a statement made by a victim 1010  
under division (B) of this section is included in a presentence 1011  
investigation report prepared pursuant to section 2947.06 or 1012  
2951.03 of the Revised Code or Criminal Rule 32.2 or in a 1013  
disposition investigation report pursuant to division (C)(1) of 1014  
section 2152.18 of the Revised Code, the provision, receipt, and 1015  
retention of copies of, the use of, and the confidentiality, 1016  
nonpublic record character, and sealing of the presentence 1017  
investigation report or disposition investigation report that 1018  
contains the victim's statement is governed by section 2951.03 of 1019  
the Revised Code. 1020

**Sec. 3301.0714.** (A) The state board of education shall adopt 1021  
rules for a statewide education management information system. The 1022  
rules shall require the state board to establish guidelines for 1023  
the establishment and maintenance of the system in accordance with 1024  
this section and the rules adopted under this section. The 1025  
guidelines shall include: 1026

(1) Standards identifying and defining the types of data in 1027  
the system in accordance with divisions (B) and (C) of this 1028  
section; 1029

(2) Procedures for annually collecting and reporting the data 1030  
to the state board in accordance with division (D) of this 1031  
section; 1032

(3) Procedures for annually compiling the data in accordance 1033  
with division (G) of this section; 1034

(4) Procedures for annually reporting the data to the public 1035  
in accordance with division (H) of this section. 1036

(B) The guidelines adopted under this section shall require 1037  
the data maintained in the education management information system 1038  
to include at least the following: 1039

(1) Student participation and performance data, for each 1040  
grade in each school district as a whole and for each grade in 1041  
each school building in each school district, that includes: 1042

(a) The numbers of students receiving each category of 1043  
instructional service offered by the school district, such as 1044  
regular education instruction, vocational education instruction, 1045  
specialized instruction programs or enrichment instruction that is 1046  
part of the educational curriculum, instruction for gifted 1047  
students, instruction for handicapped students, and remedial 1048  
instruction. The guidelines shall require instructional services 1049  
under this division to be divided into discrete categories if an 1050  
instructional service is limited to a specific subject, a specific 1051  
type of student, or both, such as regular instructional services 1052  
in mathematics, remedial reading instructional services, 1053  
instructional services specifically for students gifted in 1054  
mathematics or some other subject area, or instructional services 1055  
for students with a specific type of handicap. The categories of 1056  
instructional services required by the guidelines under this 1057  
division shall be the same as the categories of instructional 1058  
services used in determining cost units pursuant to division 1059  
(C)(3) of this section. 1060

(b) The numbers of students receiving support or 1061  
extracurricular services for each of the support services or 1062  
extracurricular programs offered by the school district, such as 1063  
counseling services, health services, and extracurricular sports 1064  
and fine arts programs. The categories of services required by the 1065  
guidelines under this division shall be the same as the categories 1066  
of services used in determining cost units pursuant to division 1067  
(C)(4)(a) of this section. 1068

(c) Average student grades in each subject in grades nine 1069  
through twelve; 1070

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	1071 1072 1073
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	1074 1075 1076
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	1077 1078 1079
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	1080 1081 1082 1083
(h) Expulsion rates;	1084
(i) Suspension rates;	1085
(j) The percentage of students receiving corporal punishment;	1086
(k) Dropout rates;	1087
(l) Rates of retention in grade;	1088
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1089 1090 1091
(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;	1092 1093 1094 1095 1096
(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	1097 1098 1099

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.

(2) Personnel and classroom enrollment data for each school  
district, including:

(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  
require these categories of data to be maintained for the school  
district as a whole and, wherever applicable, for each grade in  
the school district as a whole, for each school building as a  
whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time  
equivalent employees providing each category of service used  
pursuant to divisions (C)(4)(a) and (b) of this section, and the  
total numbers of licensed employees and nonlicensed employees and  
the numbers of full-time equivalent licensed employees and  
nonlicensed employees providing each category used pursuant to  
division (C)(4)(c) of this section. The guidelines adopted under  
this section shall require these categories of data to be  
maintained for the school district as a whole and, wherever  
applicable, for each grade in the school district as a whole, for  
each school building as a whole, and for each grade in each school  
building.

(c) The total number of regular classroom teachers teaching  
classes of regular education and the average number of pupils  
enrolled in each such class, in each of grades kindergarten

through five in the district as a whole and in each school building in the school district. 1131  
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(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code. 1133  
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(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government. 1137  
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(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs. 1148  
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(4) Any data required to be collected pursuant to federal law. 1153  
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require 1155  
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the system of mutually exclusive cost units to include at least 1162  
the following: 1163

(1) Administrative costs for the school district as a whole. 1164  
The guidelines shall require the cost units under this division 1165  
(C)(1) to be designed so that each of them may be compiled and 1166  
reported in terms of average expenditure per pupil in formula ADM 1167  
in the school district, as determined pursuant to section 3317.03 1168  
of the Revised Code. 1169

(2) Administrative costs for each school building in the 1170  
school district. The guidelines shall require the cost units under 1171  
this division (C)(2) to be designed so that each of them may be 1172  
compiled and reported in terms of average expenditure per 1173  
full-time equivalent pupil receiving instructional or support 1174  
services in each building. 1175

(3) Instructional services costs for each category of 1176  
instructional service provided directly to students and required 1177  
by guidelines adopted pursuant to division (B)(1)(a) of this 1178  
section. The guidelines shall require the cost units under 1179  
division (C)(3) of this section to be designed so that each of 1180  
them may be compiled and reported in terms of average expenditure 1181  
per pupil receiving the service in the school district as a whole 1182  
and average expenditure per pupil receiving the service in each 1183  
building in the school district and in terms of a total cost for 1184  
each category of service and, as a breakdown of the total cost, a 1185  
cost for each of the following components: 1186

(a) The cost of each instructional services category required 1187  
by guidelines adopted under division (B)(1)(a) of this section 1188  
that is provided directly to students by a classroom teacher; 1189

(b) The cost of the instructional support services, such as 1190  
services provided by a speech-language pathologist, classroom 1191  
aide, multimedia aide, or librarian, provided directly to students 1192

in conjunction with each instructional services category; 1193

(c) The cost of the administrative support services related 1194  
to each instructional services category, such as the cost of 1195  
personnel that develop the curriculum for the instructional 1196  
services category and the cost of personnel supervising or 1197  
coordinating the delivery of the instructional services category. 1198

(4) Support or extracurricular services costs for each 1199  
category of service directly provided to students and required by 1200  
guidelines adopted pursuant to division (B)(1)(b) of this section. 1201  
The guidelines shall require the cost units under division (C)(4) 1202  
of this section to be designed so that each of them may be 1203  
compiled and reported in terms of average expenditure per pupil 1204  
receiving the service in the school district as a whole and 1205  
average expenditure per pupil receiving the service in each 1206  
building in the school district and in terms of a total cost for 1207  
each category of service and, as a breakdown of the total cost, a 1208  
cost for each of the following components: 1209

(a) The cost of each support or extracurricular services 1210  
category required by guidelines adopted under division (B)(1)(b) 1211  
of this section that is provided directly to students by a 1212  
licensed employee, such as services provided by a guidance 1213  
counselor or any services provided by a licensed employee under a 1214  
supplemental contract; 1215

(b) The cost of each such services category provided directly 1216  
to students by a nonlicensed employee, such as janitorial 1217  
services, cafeteria services, or services of a sports trainer; 1218

(c) The cost of the administrative services related to each 1219  
services category in division (C)(4)(a) or (b) of this section, 1220  
such as the cost of any licensed or nonlicensed employees that 1221  
develop, supervise, coordinate, or otherwise are involved in 1222  
administering or aiding the delivery of each services category. 1223



(D)(1) The guidelines adopted under this section shall 1224  
require school districts to collect information about individual 1225  
students, staff members, or both in connection with any data 1226  
required by division (B) or (C) of this section or other reporting 1227  
requirements established in the Revised Code. The guidelines may 1228  
also require school districts to report information about 1229  
individual staff members in connection with any data required by 1230  
division (B) or (C) of this section or other reporting 1231  
requirements established in the Revised Code. The guidelines shall 1232  
not authorize school districts to request social security numbers 1233  
of individual students. The guidelines shall prohibit the 1234  
reporting under this section of a student's name, address, and 1235  
social security number to the state board of education or the 1236  
department of education. The guidelines shall also prohibit the 1237  
reporting under this section of any personally identifiable 1238  
information about any student, except for the purpose of assigning 1239  
the data verification code required by division (D)(2) of this 1240  
section, to any other person unless such person is employed by the 1241  
school district or the data acquisition site operated under 1242  
section 3301.075 of the Revised Code and is authorized by the 1243  
district or acquisition site to have access to such information or 1244  
is employed by an entity with which the department contracts for 1245  
the scoring of tests administered under section 3301.0711 or 1246  
3301.0712 of the Revised Code. The guidelines may require school 1247  
districts to provide the social security numbers of individual 1248  
staff members. 1249

(2) The guidelines shall provide for each school district or 1250  
community school to assign a data verification code that is unique 1251  
on a statewide basis over time to each student whose initial Ohio 1252  
enrollment is in that district or school and to report all 1253  
required individual student data for that student utilizing such 1254  
code. The guidelines shall also provide for assigning data 1255

verification codes to all students enrolled in districts or 1256  
community schools on the effective date of the guidelines 1257  
established under this section. 1258

Individual student data shall be reported to the department 1259  
through the data acquisition sites utilizing the code but, except 1260  
as provided in section 3310.11 of the Revised Code, at no time 1261  
shall the state board or the department have access to information 1262  
that would enable any data verification code to be matched to 1263  
personally identifiable student data. 1264

Each school district shall ensure that the data verification 1265  
code is included in the student's records reported to any 1266  
subsequent school district or community school in which the 1267  
student enrolls. Any such subsequent district or school shall 1268  
utilize the same identifier in its reporting of data under this 1269  
section. 1270

(E) The guidelines adopted under this section may require 1271  
school districts to collect and report data, information, or 1272  
reports other than that described in divisions (A), (B), and (C) 1273  
of this section for the purpose of complying with other reporting 1274  
requirements established in the Revised Code. The other data, 1275  
information, or reports may be maintained in the education 1276  
management information system but are not required to be compiled 1277  
as part of the profile formats required under division (G) of this 1278  
section or the annual statewide report required under division (H) 1279  
of this section. 1280

(F) Beginning with the school year that begins July 1, 1991, 1281  
the board of education of each school district shall annually 1282  
collect and report to the state board, in accordance with the 1283  
guidelines established by the board, the data required pursuant to 1284  
this section. A school district may collect and report these data 1285  
notwithstanding section ~~2151.358~~ 2151.357 or 3319.321 of the 1286

Revised Code. 1287

(G) The state board shall, in accordance with the procedures 1288  
it adopts, annually compile the data reported by each school 1289  
district pursuant to division (D) of this section. The state board 1290  
shall design formats for profiling each school district as a whole 1291  
and each school building within each district and shall compile 1292  
the data in accordance with these formats. These profile formats 1293  
shall: 1294

(1) Include all of the data gathered under this section in a 1295  
manner that facilitates comparison among school districts and 1296  
among school buildings within each school district; 1297

(2) Present the data on academic achievement levels as 1298  
assessed by the testing of student achievement maintained pursuant 1299  
to division (B)(1)(d) of this section. 1300

(H)(1) The state board shall, in accordance with the 1301  
procedures it adopts, annually prepare a statewide report for all 1302  
school districts and the general public that includes the profile 1303  
of each of the school districts developed pursuant to division (G) 1304  
of this section. Copies of the report shall be sent to each school 1305  
district. 1306

(2) The state board shall, in accordance with the procedures 1307  
it adopts, annually prepare an individual report for each school 1308  
district and the general public that includes the profiles of each 1309  
of the school buildings in that school district developed pursuant 1310  
to division (G) of this section. Copies of the report shall be 1311  
sent to the superintendent of the district and to each member of 1312  
the district board of education. 1313

(3) Copies of the reports received from the state board under 1314  
divisions (H)(1) and (2) of this section shall be made available 1315  
to the general public at each school district's offices. Each 1316  
district board of education shall make copies of each report 1317

available to any person upon request and payment of a reasonable 1318  
fee for the cost of reproducing the report. The board shall 1319  
annually publish in a newspaper of general circulation in the 1320  
school district, at least twice during the two weeks prior to the 1321  
week in which the reports will first be available, a notice 1322  
containing the address where the reports are available and the 1323  
date on which the reports will be available. 1324

(I) Any data that is collected or maintained pursuant to this 1325  
section and that identifies an individual pupil is not a public 1326  
record for the purposes of section 149.43 of the Revised Code. 1327

(J) As used in this section: 1328

(1) "School district" means any city, local, exempted 1329  
village, or joint vocational school district. 1330

(2) "Cost" means any expenditure for operating expenses made 1331  
by a school district excluding any expenditures for debt 1332  
retirement except for payments made to any commercial lending 1333  
institution for any loan approved pursuant to section 3313.483 of 1334  
the Revised Code. 1335

(K) Any person who removes data from the information system 1336  
established under this section for the purpose of releasing it to 1337  
any person not entitled under law to have access to such 1338  
information is subject to section 2913.42 of the Revised Code 1339  
prohibiting tampering with data. 1340

(L) Any time the department of education determines that a 1341  
school district has taken any of the actions described under 1342  
division (L)(1), (2), or (3) of this section, it shall make a 1343  
report of the actions of the district, send a copy of the report 1344  
to the superintendent of such school district, and maintain a copy 1345  
of the report in its files: 1346

(1) The school district fails to meet any deadline 1347

established pursuant to this section for the reporting of any data 1348  
to the education management information system; 1349

(2) The school district fails to meet any deadline 1350  
established pursuant to this section for the correction of any 1351  
data reported to the education management information system; 1352

(3) The school district reports data to the education 1353  
management information system in a condition, as determined by the 1354  
department, that indicates that the district did not make a good 1355  
faith effort in reporting the data to the system. 1356

Any report made under this division shall include 1357  
recommendations for corrective action by the school district. 1358

Upon making a report for the first time in a fiscal year, the 1359  
department shall withhold ten per cent of the total amount due 1360  
during that fiscal year under Chapter 3317. of the Revised Code to 1361  
the school district to which the report applies. Upon making a 1362  
second report in a fiscal year, the department shall withhold an 1363  
additional twenty per cent of such total amount due during that 1364  
fiscal year to the school district to which the report applies. 1365  
The department shall not release such funds unless it determines 1366  
that the district has taken corrective action. However, no such 1367  
release of funds shall occur if the district fails to take 1368  
corrective action within forty-five days of the date upon which 1369  
the report was made by the department. 1370

(M) No data acquisition site or school district shall 1371  
acquire, change, or update its student administration software 1372  
package to manage and report data required to be reported to the 1373  
department unless it converts to a student software package that 1374  
is certified by the department. 1375

(N) The state board of education, in accordance with sections 1376  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1377  
license as defined under division (A) of section 3319.31 of the 1378

Revised Code that has been issued to any school district employee 1379  
found to have willfully reported erroneous, inaccurate, or 1380  
incomplete data to the education management information system. 1381

(O) No person shall release or maintain any information about 1382  
any student in violation of this section. Whoever violates this 1383  
division is guilty of a misdemeanor of the fourth degree. 1384

(P) The department shall disaggregate the data collected 1385  
under division (B)(1)(o) of this section according to the race and 1386  
socioeconomic status of the students assessed. No data collected 1387  
under that division shall be included on the report cards required 1388  
by section 3302.03 of the Revised Code. 1389

(Q) If the department cannot compile any of the information 1390  
required by division (C)(5) of section 3302.03 of the Revised Code 1391  
based upon the data collected under this section, the department 1392  
shall develop a plan and a reasonable timeline for the collection 1393  
of any data necessary to comply with that division. 1394

**Sec. 3313.64.** (A) As used in this section and in section 1395  
3313.65 of the Revised Code: 1396

(1)(a) Except as provided in division (A)(1)(b) of this 1397  
section, "parent" means either parent, unless the parents are 1398  
separated or divorced or their marriage has been dissolved or 1399  
annulled, in which case "parent" means the parent who is the 1400  
residential parent and legal custodian of the child. When a child 1401  
is in the legal custody of a government agency or a person other 1402  
than the child's natural or adoptive parent, "parent" means the 1403  
parent with residual parental rights, privileges, and 1404  
responsibilities. When a child is in the permanent custody of a 1405  
government agency or a person other than the child's natural or 1406  
adoptive parent, "parent" means the parent who was divested of 1407  
parental rights and responsibilities for the care of the child and 1408

the right to have the child live with the parent and be the legal  
custodian of the child and all residual parental rights,  
privileges, and responsibilities.

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

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

(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.

(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:

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

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

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

(d) The home is a children's home created under section

5153.21 or 5153.36 of the Revised Code.	1439
(5) "Agency" means all of the following:	1440
(a) A public children services agency;	1441
(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;	1442 1443 1444 1445 1446 1447
(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.	1448 1449 1450
(6) A child is placed for adoption if either of the following occurs:	1451 1452
(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.	1453 1454 1455 1456
(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.	1457 1458 1459
(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.	1460 1461 1462 1463 1464
(8) "Child," unless otherwise indicated, includes handicapped preschool children.	1465 1466
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the	1467 1468



congress of the United States, or section 5919.29 or 5923.21 of  
the Revised Code. 1469  
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(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. 1471  
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(1) A child shall be admitted to the schools of the school  
district in which the child's parent resides. 1476  
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(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: 1478  
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(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. 1482  
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(b) The child resides in a home. 1485

(c) The child requires special education. 1486

(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: 1487  
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(a) The placement for adoption has been terminated. 1493

(b) Another school district is required to admit the child  
under division (B)(1) of this section. 1494  
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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 1496  
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of the district or its schools in compliance with Chapter 3323. of 1499  
the Revised Code. 1500

(C) A district shall not charge tuition for children admitted 1501  
under division (B)(1) or (3) of this section. If the district 1502  
admits a child under division (B)(2) of this section, tuition 1503  
shall be paid to the district that admits the child as follows: 1504

(1) If the child receives special education in accordance 1505  
with Chapter 3323. of the Revised Code, the school district of 1506  
residence, as defined in section 3323.01 of the Revised Code, 1507  
shall pay tuition for the child in accordance with section 1508  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 1509  
regardless of who has custody of the child or whether the child 1510  
resides in a home. 1511

(2) For a child that does not receive special education in 1512  
accordance with Chapter 3323. of the Revised Code, except as 1513  
otherwise provided in division (C)(2)(d) of this section, if the 1514  
child is in the permanent or legal custody of a government agency 1515  
or person other than the child's parent, tuition shall be paid by: 1516

(a) The district in which the child's parent resided at the 1517  
time the court removed the child from home or at the time the 1518  
court vested legal or permanent custody of the child in the person 1519  
or government agency, whichever occurred first; 1520

(b) If the parent's residence at the time the court removed 1521  
the child from home or placed the child in the legal or permanent 1522  
custody of the person or government agency is unknown, tuition 1523  
shall be paid by the district in which the child resided at the 1524  
time the child was removed from home or placed in legal or 1525  
permanent custody, whichever occurred first; 1526

(c) If a school district cannot be established under division 1527  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 1528  
district determined as required by section ~~2151.357~~ 2151.362 of 1529

the Revised Code by the court at the time it vests custody of the 1530  
child in the person or government agency; 1531

(d) If at the time the court removed the child from home or 1532  
vested legal or permanent custody of the child in the person or 1533  
government agency, whichever occurred first, one parent was in a 1534  
residential or correctional facility or a juvenile residential 1535  
placement and the other parent, if living and not in such a 1536  
facility or placement, was not known to reside in this state, 1537  
tuition shall be paid by the district determined under division 1538  
(D) of section 3313.65 of the Revised Code as the district 1539  
required to pay any tuition while the parent was in such facility 1540  
or placement; 1541

(e) If the court has modified its order as to which district 1542  
is responsible to bear the cost of educating the child pursuant to 1543  
division (A)(2) of section ~~2151.357~~ 2151.362 of the Revised Code, 1544  
the district determined to be responsible for that cost in the 1545  
order so modified. 1546

(3) If the child is not in the permanent or legal custody of 1547  
a government agency or person other than the child's parent and 1548  
the child resides in a home, tuition shall be paid by one of the 1549  
following: 1550

(a) The school district in which the child's parent resides; 1551

(b) If the child's parent is not a resident of this state, 1552  
the home in which the child resides. 1553

(D) Tuition required to be paid under divisions (C)(2) and 1554  
(3)(a) of this section shall be computed in accordance with 1555  
section 3317.08 of the Revised Code. Tuition required to be paid 1556  
under division (C)(3)(b) of this section shall be computed in 1557  
accordance with section 3317.081 of the Revised Code. If a home 1558  
fails to pay the tuition required by division (C)(3)(b) of this 1559  
section, the board of education providing the education may 1560

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.

(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.

(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:

(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  
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.

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

(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.

(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:

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

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

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

(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  
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.

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

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

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

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

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

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

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may 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.

(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.

(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  
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.

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 1685  
adopt rules to ensure compliance with this division. 1686

(10) Any child under the age of twenty-two years whose parent 1687  
has moved out of the school district after the commencement of 1688  
classes in the child's senior year of high school is entitled, 1689  
subject to the approval of that district board, to attend school 1690  
in the district in which the child attended school at the time of 1691  
the parental move for the remainder of the school year and for one 1692  
additional semester or equivalent term. A district board may also 1693  
adopt a policy specifying extenuating circumstances under which a 1694  
student may continue to attend school under division (F)(10) of 1695  
this section for an additional period of time in order to 1696  
successfully complete the high school curriculum for the 1697  
individualized education program developed for the student by the 1698  
high school pursuant to section 3323.08 of the Revised Code. 1699

(11) As used in this division, "grandparent" means a parent 1700  
of a parent of a child. A child under the age of twenty-two years 1701  
who is in the custody of the child's parent, resides with a 1702  
grandparent, and does not require special education is entitled to 1703  
attend the schools of the district in which the child's 1704  
grandparent resides, provided that, prior to such attendance in 1705  
any school year, the board of education of the school district in 1706  
which the child's grandparent resides and the board of education 1707  
of the school district in which the child's parent resides enter 1708  
into a written agreement specifying that good cause exists for 1709  
such attendance, describing the nature of this good cause, and 1710  
consenting to such attendance. 1711

In lieu of a consent form signed by a parent, a board of 1712  
education may request the grandparent of a child attending school 1713  
in the district in which the grandparent resides pursuant to 1714  
division (F)(11) of this section to complete any consent form 1715  
required by the district, including any authorization required by 1716



sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 1717  
Upon request, the grandparent shall complete any consent form 1718  
required by the district. A school district shall not incur any 1719  
liability solely because of its receipt of a consent form from a 1720  
grandparent in lieu of a parent. 1721

Division (F)(11) of this section does not create, and shall 1722  
not be construed as creating, a new cause of action or substantive 1723  
legal right against a school district, a member of a board of 1724  
education, or an employee of a school district. This section does 1725  
not affect, and shall not be construed as affecting, any 1726  
immunities from defenses to tort liability created or recognized 1727  
by Chapter 2744. of the Revised Code for a school district, 1728  
member, or employee. 1729

(12) A child under the age of twenty-two years is entitled to 1730  
attend school in a school district other than the district in 1731  
which the child is entitled to attend school under division (B), 1732  
(C), or (E) of this section provided that, prior to such 1733  
attendance in any school year, both of the following occur: 1734

(a) The superintendent of the district in which the child is 1735  
entitled to attend school under division (B), (C), or (E) of this 1736  
section contacts the superintendent of another district for 1737  
purposes of this division; 1738

(b) The superintendents of both districts enter into a 1739  
written agreement that consents to the attendance and specifies 1740  
that the purpose of such attendance is to protect the student's 1741  
physical or mental well-being or to deal with other extenuating 1742  
circumstances deemed appropriate by the superintendents. 1743

While an agreement is in effect under this division for a 1744  
student who is not receiving special education under Chapter 3323. 1745  
of the Revised Code and notwithstanding Chapter 3327. of the 1746  
Revised Code, the board of education of neither school district 1747

involved in the agreement is required to provide transportation 1748  
for the student to and from the school where the student attends. 1749

A student attending a school of a district pursuant to this 1750  
division shall be allowed to participate in all student 1751  
activities, including interscholastic athletics, at the school 1752  
where the student is attending on the same basis as any student 1753  
who has always attended the schools of that district while of 1754  
compulsory school age. 1755

(13) All school districts shall comply with the 1756  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 1757  
seq., for the education of homeless children. Each city, local, 1758  
and exempted village school district shall comply with the 1759  
requirements of that act governing the provision of a free, 1760  
appropriate public education, including public preschool, to each 1761  
homeless child. 1762

When a child loses permanent housing and becomes a homeless 1763  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 1764  
such a homeless person changes temporary living arrangements, the 1765  
child's parent or guardian shall have the option of enrolling the 1766  
child in either of the following: 1767

(a) The child's school of origin, as defined in 42 U.S.C.A. 1768  
11432(g)(3)(C); 1769

(b) The school that is operated by the school district in 1770  
which the shelter where the child currently resides is located and 1771  
that serves the geographic area in which the shelter is located. 1772

(14) A child under the age of twenty-two years who resides 1773  
with a person other than the child's parent is entitled to attend 1774  
school in the school district in which that person resides if both 1775  
of the following apply: 1776

(a) That person has been appointed, through a military power 1777

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. 1778  
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(b) The military power of attorney or comparable document 1787  
includes at least the authority to enroll the child in school. 1788

The entitlement to attend school in the district in which the 1789  
parent's agent under the military power of attorney or comparable 1790  
document resides applies until the end of the school year in which 1791  
the military power of attorney or comparable document expires. 1792

(G) A board of education, after approving admission, may 1793  
waive tuition for students who will temporarily reside in the 1794  
district and who are either of the following: 1795

(1) Residents or domiciliaries of a foreign nation who 1796  
request admission as foreign exchange students; 1797

(2) Residents or domiciliaries of the United States but not 1798  
of Ohio who request admission as participants in an exchange 1799  
program operated by a student exchange organization. 1800

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1801  
3327.04, and 3327.06 of the Revised Code, a child may attend 1802  
school or participate in a special education program in a school 1803  
district other than in the district where the child is entitled to 1804  
attend school under division (B) of this section. 1805

(I)(1) Notwithstanding anything to the contrary in this 1806  
section or section 3313.65 of the Revised Code, a child under 1807

twenty-two years of age may attend school in the school district 1808  
in which the child, at the end of the first full week of October 1809  
of the school year, was entitled to attend school as otherwise 1810  
provided under this section or section 3313.65 of the Revised 1811  
Code, if at that time the child was enrolled in the schools of the 1812  
district but since that time the child or the child's parent has 1813  
relocated to a new address located outside of that school district 1814  
and within the same county as the child's or parent's address 1815  
immediately prior to the relocation. The child may continue to 1816  
attend school in the district, and at the school to which the 1817  
child was assigned at the end of the first full week of October of 1818  
the current school year, for the balance of the school year. 1819  
Division (I)(1) of this section applies only if both of the 1820  
following conditions are satisfied: 1821

(a) The board of education of the school district in which 1822  
the child was entitled to attend school at the end of the first 1823  
full week in October and of the district to which the child or 1824  
child's parent has relocated each has adopted a policy to enroll 1825  
children described in division (I)(1) of this section. 1826

(b) The child's parent provides written notification of the 1827  
relocation outside of the school district to the superintendent of 1828  
each of the two school districts. 1829

(2) At the beginning of the school year following the school 1830  
year in which the child or the child's parent relocated outside of 1831  
the school district as described in division (I)(1) of this 1832  
section, the child is not entitled to attend school in the school 1833  
district under that division. 1834

(3) Any person or entity owing tuition to the school district 1835  
on behalf of the child at the end of the first full week in 1836  
October, as provided in division (C) of this section, shall 1837  
continue to owe such tuition to the district for the child's 1838

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.

(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.

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

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  
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.

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.

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

(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  
from public school attendance by the superintendent of public  
instruction pursuant to sections 3301.121 and 3313.662 of the  
Revised Code.

(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.

**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:

(1) A violation of section 2923.122 of the Revised Code;

(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  
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;

(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;

(4) A violation of section 2903.01, 2903.02, 2903.03, 1933  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 1934  
section 2907.12 of the Revised Code that was committed on property 1935  
owned or controlled by, or at an activity held under the auspices 1936  
of, a board of education of a city, local, exempted village, or 1937  
joint vocational school district, if the victim at the time of the 1938  
commission of the act was an employee of that board of education; 1939

(5) Complicity in any violation described in division (A)(1), 1940  
(2), (3), or (4) of this section that was alleged to have been 1941  
committed in the manner described in division (A)(1), (2), (3), or 1942  
(4) of this section, regardless of whether the act of complicity 1943  
was committed on property owned or controlled by, or at an 1944  
activity held under the auspices of, a board of education of a 1945  
city, local, exempted village, or joint vocational school 1946  
district. 1947

(B) A pupil may be suspended or expelled in accordance with 1948  
section 3313.66 of the Revised Code prior to being permanently 1949  
excluded from public school attendance under this section and 1950  
section 3301.121 of the Revised Code. 1951

(C)(1) If the superintendent of a city, local, exempted 1952  
village, or joint vocational school district in which a pupil 1953  
attends school obtains or receives proof that the pupil has been 1954  
convicted of committing when the pupil was sixteen years of age or 1955  
older a violation listed in division (A) of this section or 1956  
adjudicated a delinquent child for the commission when the pupil 1957  
was sixteen years of age or older of a violation listed in 1958  
division (A) of this section, the superintendent may issue to the 1959  
board of education of the school district a request that the pupil 1960  
be permanently excluded from public school attendance, if both of 1961  
the following apply: 1962

(a) After obtaining or receiving proof of the conviction or 1963



adjudication, the superintendent or the superintendent's designee 1964  
determines that the pupil's continued attendance in school may 1965  
endanger the health and safety of other pupils or school employees 1966  
and gives the pupil and the pupil's parent, guardian, or custodian 1967  
written notice that the superintendent intends to recommend to the 1968  
board of education that the board adopt a resolution requesting 1969  
the superintendent of public instruction to permanently exclude 1970  
the pupil from public school attendance. 1971

(b) The superintendent or the superintendent's designee 1972  
forwards to the board of education the superintendent's written 1973  
recommendation that includes the determinations the superintendent 1974  
or designee made pursuant to division (C)(1)(a) of this section 1975  
and a copy of the proof the superintendent received showing that 1976  
the pupil has been convicted of or adjudicated a delinquent child 1977  
for a violation listed in division (A) of this section that was 1978  
committed when the pupil was sixteen years of age or older. 1979

(2) Within fourteen days after receipt of a recommendation 1980  
from the superintendent pursuant to division (C)(1)(b) of this 1981  
section that a pupil be permanently excluded from public school 1982  
attendance, the board of education of a city, local, exempted 1983  
village, or joint vocational school district, after review and 1984  
consideration of all of the following available information, may 1985  
adopt a resolution requesting the superintendent of public 1986  
instruction to permanently exclude the pupil who is the subject of 1987  
the recommendation from public school attendance: 1988

(a) The academic record of the pupil and a record of any 1989  
extracurricular activities in which the pupil previously was 1990  
involved; 1991

(b) The disciplinary record of the pupil and any available 1992  
records of the pupil's prior behavioral problems other than the 1993  
behavioral problems contained in the disciplinary record; 1994

(c) The social history of the pupil;	1995
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;	1996 1997
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;	1998 1999 2000
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	2001 2002
(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;	2003 2004 2005
(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;	2006 2007 2008
(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.	2009 2010 2011 2012 2013 2014 2015
(3) If the board does not adopt a resolution requesting the 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.	2016 2017 2018 2019 2020 2021
(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,	2022 2023 2024

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.

(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.

(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.

(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.

(F)(1)(a) Upon determining that the school attendance of a

pupil who has been permanently excluded from public school 2056  
attendance no longer will endanger the health and safety of other 2057  
students or school employees, the superintendent of any city, 2058  
local, exempted village, or joint vocational school district in 2059  
which the pupil desires to attend school may issue to the board of 2060  
education of the school district a recommendation, including the 2061  
reasons for the recommendation, that the permanent exclusion of a 2062  
pupil be revoked and the pupil be allowed to return to the public 2063  
schools of the state. 2064

If any violation which in whole or in part gave rise to the 2065  
permanent exclusion of any pupil involved the pupil's bringing a 2066  
firearm to a school operated by the board of education of a school 2067  
district or onto any other property owned or operated by such a 2068  
board, no superintendent shall recommend under this division an 2069  
effective date for the revocation of the pupil's permanent 2070  
exclusion that is less than one year after the date on which the 2071  
last such firearm incident occurred. However, on a case-by-case 2072  
basis, a superintendent may recommend an earlier effective date 2073  
for such a revocation for any of the reasons for which the 2074  
superintendent may reduce the one-year expulsion requirement in 2075  
division (B)(2) of section 3313.66 of the Revised Code. 2076

(b) Upon receipt of the recommendation of the superintendent 2077  
that a permanent exclusion of a pupil be revoked, the board of 2078  
education of a city, local, exempted village, or joint vocational 2079  
school district may adopt a resolution by a majority vote of its 2080  
members requesting the superintendent of public instruction to 2081  
revoke the permanent exclusion of the pupil. Upon adoption of the 2082  
resolution, the board of education shall forward a copy of the 2083  
resolution, the reasons for the resolution, and any other relevant 2084  
information to the superintendent of public instruction. 2085

(c) Upon receipt of a resolution of a board of education 2086  
requesting the revocation of a permanent exclusion of a pupil, the 2087

superintendent of public instruction, in accordance with the 2088  
adjudication procedures of Chapter 119. of the Revised Code, shall 2089  
issue an adjudication order that revokes the permanent exclusion 2090  
of the pupil from public school attendance or that rejects the 2091  
resolution of the board of education. 2092

(2)(a) A pupil who has been permanently excluded pursuant to 2093  
this section and section 3301.121 of the Revised Code may request 2094  
the superintendent of any city, local, exempted village, or joint 2095  
vocational school district in which the pupil desires to attend 2096  
school to admit the pupil on a probationary basis for a period not 2097  
to exceed ninety school days. Upon receiving the request, the 2098  
superintendent may enter into discussions with the pupil and with 2099  
the pupil's parent, guardian, or custodian or a person designated 2100  
by the pupil's parent, guardian, or custodian to develop a 2101  
probationary admission plan designed to assist the pupil's 2102  
probationary admission to the school. The plan may include a 2103  
treatment program, a behavioral modification program, or any other 2104  
program reasonably designed to meet the educational needs of the 2105  
child and the disciplinary requirements of the school. 2106

If any violation which in whole or in part gave rise to the 2107  
permanent exclusion of the pupil involved the pupil's bringing a 2108  
firearm to a school operated by the board of education of any 2109  
school district or onto any other property owned or operated by 2110  
such a board, no plan developed under this division for the pupil 2111  
shall include an effective date for the probationary admission of 2112  
the pupil that is less than one year after the date on which the 2113  
last such firearm incident occurred except that on a case-by-case 2114  
basis, a plan may include an earlier effective date for such an 2115  
admission for any of the reasons for which the superintendent of 2116  
the district may reduce the one-year expulsion requirement in 2117  
division (B)(2) of section 3313.66 of the Revised Code. 2118

(b) If the superintendent of a school district, a pupil, and 2119

the pupil's parent, guardian, or custodian or a person designated 2120  
by the pupil's parent, guardian, or custodian agree upon a 2121  
probationary admission plan prepared pursuant to division 2122  
(F)(2)(a) of this section, the superintendent of the school 2123  
district shall issue to the board of education of the school 2124  
district a recommendation that the pupil be allowed to attend 2125  
school within the school district under probationary admission, 2126  
the reasons for the recommendation, and a copy of the agreed upon 2127  
probationary admission plan. Within fourteen days after the board 2128  
of education receives the recommendation, reasons, and plan, the 2129  
board may adopt the recommendation by a majority vote of its 2130  
members. If the board adopts the recommendation, the pupil may 2131  
attend school under probationary admission within that school 2132  
district for a period not to exceed ninety days or any additional 2133  
probationary period permitted under divisions (F)(2)(d) and (e) of 2134  
this section in accordance with the probationary admission plan 2135  
prepared pursuant to division (F)(2)(a) of this section. 2136

(c) If a pupil who is permitted to attend school under 2137  
probationary admission pursuant to division (F)(2)(b) of this 2138  
section fails to comply with the probationary admission plan 2139  
prepared pursuant to division (F)(2)(a) of this section, the 2140  
superintendent of the school district immediately may remove the 2141  
pupil from the school and issue to the board of education of the 2142  
school district a recommendation that the probationary admission 2143  
be revoked. Within five days after the board of education receives 2144  
the recommendation, the board may adopt the recommendation to 2145  
revoke the pupil's probationary admission by a majority vote of 2146  
its members. If a majority of the board does not adopt the 2147  
recommendation to revoke the pupil's probationary admission, the 2148  
pupil shall continue to attend school in compliance with the 2149  
pupil's probationary admission plan. 2150

(d) If a pupil who is permitted to attend school under 2151

probationary admission pursuant to division (F)(2)(b) of this 2152  
section complies with the probationary admission plan prepared 2153  
pursuant to division (F)(2)(a) of this section, the pupil or the 2154  
pupil's parent, guardian, or custodian, at any time before the 2155  
expiration of the ninety-day probationary admission period, may 2156  
request the superintendent of the school district to extend the 2157  
terms and period of the pupil's probationary admission for a 2158  
period not to exceed ninety days or to issue a recommendation 2159  
pursuant to division (F)(1) of this section that the pupil's 2160  
permanent exclusion be revoked and the pupil be allowed to return 2161  
to the public schools of this state. 2162

(e) If a pupil is granted an extension of the pupil's 2163  
probationary admission pursuant to division (F)(2)(d) of this 2164  
section, the pupil or the pupil's parent, guardian, or custodian, 2165  
in the manner described in that division, may request, and the 2166  
superintendent and board, in the manner described in that 2167  
division, may recommend and grant, subsequent probationary 2168  
admission periods not to exceed ninety days each. If a pupil who 2169  
is permitted to attend school under an extension of a probationary 2170  
admission plan complies with the probationary admission plan 2171  
prepared pursuant to the extension, the pupil or the pupil's 2172  
parent, guardian, or custodian may request a revocation of the 2173  
pupil's permanent exclusion in the manner described in division 2174  
(F)(2)(d) of this section. 2175

(f) Any extension of a probationary admission requested by a 2176  
pupil or a pupil's parent, guardian, or custodian pursuant to 2177  
divisions (F)(2)(d) or (e) of this section shall be subject to the 2178  
adoption and approval of a probationary admission plan in the 2179  
manner described in divisions (F)(2)(a) and (b) of this section 2180  
and may be terminated as provided in division (F)(2)(c) of this 2181  
section. 2182

(g) If the pupil has complied with any probationary admission 2183

plan and the superintendent issues a recommendation that seeks 2184  
revocation of the pupil's permanent exclusion pursuant to division 2185  
(F)(1) of this section, the pupil's compliance with any 2186  
probationary admission plan may be considered along with other 2187  
relevant factors in any determination or adjudication conducted 2188  
pursuant to division (F)(1) of this section. 2189

(G)(1) Except as provided in division (G)(2) of this section, 2190  
any information regarding the permanent exclusion of a pupil shall 2191  
be included in the pupil's official records and shall be included 2192  
in any records sent to any school district that requests the 2193  
pupil's records. 2194

(2) When a pupil who has been permanently excluded from 2195  
public school attendance reaches the age of twenty-two or when the 2196  
permanent exclusion of a pupil has been revoked, all school 2197  
districts that maintain records regarding the pupil's permanent 2198  
exclusion shall remove all references to the exclusion from the 2199  
pupil's file and shall destroy them. 2200

A pupil who has reached the age of twenty-two or whose 2201  
permanent exclusion has been revoked may send a written notice to 2202  
the superintendent of any school district maintaining records of 2203  
the pupil's permanent exclusion requesting the superintendent to 2204  
ensure that the records are removed from the pupil's file and 2205  
destroyed. Upon receipt of the request and a determination that 2206  
the pupil is twenty-two years of age or older or that the pupil's 2207  
permanent exclusion has been revoked, the superintendent shall 2208  
ensure that the records are removed from the pupil's file and 2209  
destroyed. 2210

(H)(1) This section does not apply to any of the following: 2211

(a) An institution that is a residential facility, that 2212  
receives and cares for children, that is maintained by the 2213  
department of youth services, and that operates a school chartered 2214



by the state board of education under section 3301.16 of the Revised Code; 2215  
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(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; 2217  
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(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. 2221  
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(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. 2228  
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(3) This section does not relieve any school district from any requirement under section ~~2151.357~~ 2151.362 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. 2237  
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(I) As used in this section: 2242

(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 2243  
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school district.	2246
(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.	2247 2248 2249 2250
(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.	2251 2252
(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.	2253 2254
(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.	2255 2256 2257 2258 2259
(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).	2260 2261 2262
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	2263 2264
<b>Sec. 3314.03.</b> A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.	2265 2266 2267
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	2268 2269 2270
(1) That the school shall be established as either of the following:	2271 2272
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	2273 2274

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	2275 2276
(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;	2277 2278 2279 2280
(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;	2281 2282 2283
(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.	2284 2285 2286 2287 2288
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	2289 2290
(6)(a) Dismissal procedures;	2291
(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 student.	2292 2293 2294 2295 2296 2297
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2298 2299
(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	2300 2301 2302 2303 2304

the Revised Code.	2305
(9) The facilities to be used and their locations;	2306
(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;	2307 2308 2309 2310 2311 2312
(11) That the school will comply with the following requirements:	2313 2314
(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;	2315 2316 2317
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	2318 2319 2320
(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;	2321 2322 2323 2324
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, <del>2151.358</del> <u>2151.357</u> , 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised	2325 2326 2327 2328 2329 2330 2331 2332 2333 2334

Code in the manner specified in section 3314.17 of the Revised Code; 2335  
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(e) The school shall comply with Chapter 102. and section 2337  
2921.42 of the Revised Code; 2338

(f) The school will comply with sections 3313.61, 3313.611, 2339  
and 3313.614 of the Revised Code, except that the requirement in 2340  
sections 3313.61 and 3313.611 of the Revised Code that a person 2341  
must successfully complete the curriculum in any high school prior 2342  
to receiving a high school diploma may be met by completing the 2343  
curriculum adopted by the governing authority of the community 2344  
school rather than the curriculum specified in Title XXXVIII of the 2345  
Revised Code or any rules of the state board of education; 2346

(g) The school governing authority will submit within four 2347  
months after the end of each school year a report of its 2348  
activities and progress in meeting the goals and standards of 2349  
divisions (A)(3) and (4) of this section and its financial status 2350  
to the sponsor, the parents of all students enrolled in the 2351  
school, and the legislative office of education oversight. The 2352  
school will collect and provide any data that the legislative 2353  
office of education oversight requests in furtherance of any study 2354  
or research that the general assembly requires the office to 2355  
conduct, including the studies required under Section 50.39 of Am. 2356  
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 2357  
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 2358

(12) Arrangements for providing health and other benefits to 2359  
employees; 2360

(13) The length of the contract, which shall begin at the 2361  
beginning of an academic year. No contract shall exceed five years 2362  
unless such contract has been renewed pursuant to division (E) of 2363  
this section. 2364

(14) The governing authority of the school, which shall be 2365

responsible for carrying out the provisions of the contract; 2366

(15) A financial plan detailing an estimated school budget 2367  
for each year of the period of the contract and specifying the 2368  
total estimated per pupil expenditure amount for each such year. 2369  
The plan shall specify for each year the base formula amount that 2370  
will be used for purposes of funding calculations under section 2371  
3314.08 of the Revised Code. This base formula amount for any year 2372  
shall not exceed the formula amount defined under section 3317.02 2373  
of the Revised Code. The plan may also specify for any year a 2374  
percentage figure to be used for reducing the per pupil amount of 2375  
the subsidy calculated pursuant to section 3317.029 of the Revised 2376  
Code the school is to receive that year under section 3314.08 of 2377  
the Revised Code. 2378

(16) Requirements and procedures regarding the disposition of 2379  
employees of the school in the event the contract is terminated or 2380  
not renewed pursuant to section 3314.07 of the Revised Code; 2381

(17) Whether the school is to be created by converting all or 2382  
part of an existing public school or is to be a new start-up 2383  
school, and if it is a converted public school, specification of 2384  
any duties or responsibilities of an employer that the board of 2385  
education that operated the school before conversion is delegating 2386  
to the governing board of the community school with respect to all 2387  
or any specified group of employees provided the delegation is not 2388  
prohibited by a collective bargaining agreement applicable to such 2389  
employees; 2390

(18) Provisions establishing procedures for resolving 2391  
disputes or differences of opinion between the sponsor and the 2392  
governing authority of the community school; 2393

(19) A provision requiring the governing authority to adopt a 2394  
policy regarding the admission of students who reside outside the 2395  
district in which the school is located. That policy shall comply 2396

with the admissions procedures specified in sections 3314.06 and 2397  
3314.061 of the Revised Code and, at the sole discretion of the 2398  
authority, shall do one of the following: 2399

(a) Prohibit the enrollment of students who reside outside 2400  
the district in which the school is located; 2401

(b) Permit the enrollment of students who reside in districts 2402  
adjacent to the district in which the school is located; 2403

(c) Permit the enrollment of students who reside in any other 2404  
district in the state. 2405

(20) A provision recognizing the authority of the department 2406  
of education to take over the sponsorship of the school in 2407  
accordance with the provisions of division (C) of section 3314.015 2408  
of the Revised Code; 2409

(21) A provision recognizing the sponsor's authority to 2410  
assume the operation of a school under the conditions specified in 2411  
division (B) of section 3314.073 of the Revised Code; 2412

(22) A provision recognizing both of the following: 2413

(a) The authority of public health and safety officials to 2414  
inspect the facilities of the school and to order the facilities 2415  
closed if those officials find that the facilities are not in 2416  
compliance with health and safety laws and regulations; 2417

(b) The authority of the department of education as the 2418  
community school oversight body to suspend the operation of the 2419  
school under section 3314.072 of the Revised Code if the 2420  
department has evidence of conditions or violations of law at the 2421  
school that pose an imminent danger to the health and safety of 2422  
the school's students and employees and the sponsor refuses to 2423  
take such action; 2424

(23) A description of the learning opportunities that will be 2425  
offered to students including both classroom-based and 2426

non-classroom-based learning opportunities that is in compliance 2427  
with criteria for student participation established by the 2428  
department under division (L)(2) of section 3314.08 of the Revised 2429  
Code; 2430

(24) The school will comply with section 3302.04 of the 2431  
Revised Code, including division (E) of that section to the extent 2432  
possible, except that any action required to be taken by a school 2433  
district pursuant to that section shall be taken by the sponsor of 2434  
the school. However, the sponsor shall not be required to take any 2435  
action described in division (F) of that section. 2436

(25) Beginning in the 2006-2007 school year, the school will 2437  
open for operation not later than the thirtieth day of September 2438  
each school year, unless the mission of the school as specified 2439  
under division (A)(2) of this section is solely to serve dropouts. 2440  
In its initial year of operation, if the school fails to open by 2441  
the thirtieth day of September, or within one year after the 2442  
adoption of the contract pursuant to division (D) of section 2443  
3314.02 of the Revised Code if the mission of the school is solely 2444  
to serve dropouts, the contract shall be void. 2445

(B) The community school shall also submit to the sponsor a 2446  
comprehensive plan for the school. The plan shall specify the 2447  
following: 2448

(1) The process by which the governing authority of the 2449  
school will be selected in the future; 2450

(2) The management and administration of the school; 2451

(3) If the community school is a currently existing public 2452  
school, alternative arrangements for current public school 2453  
students who choose not to attend the school and teachers who 2454  
choose not to teach in the school after conversion; 2455

(4) The instructional program and educational philosophy of 2456



the school; 2457

(5) Internal financial controls. 2458

(C) A contract entered into under section 3314.02 of the 2459  
Revised Code between a sponsor and the governing authority of a 2460  
community school may provide for the community school governing 2461  
authority to make payments to the sponsor, which is hereby 2462  
authorized to receive such payments as set forth in the contract 2463  
between the governing authority and the sponsor. The total amount 2464  
of such payments for oversight and monitoring of the school shall 2465  
not exceed three per cent of the total amount of payments for 2466  
operating expenses that the school receives from the state. 2467

(D) The contract shall specify the duties of the sponsor 2468  
which shall be in accordance with the written agreement entered 2469  
into with the department of education under division (B) of 2470  
section 3314.015 of the Revised Code and shall include the 2471  
following: 2472

(1) Monitor the community school's compliance with all laws 2473  
applicable to the school and with the terms of the contract; 2474

(2) Monitor and evaluate the academic and fiscal performance 2475  
and the organization and operation of the community school on at 2476  
least an annual basis; 2477

(3) Report on an annual basis the results of the evaluation 2478  
conducted under division (D)(2) of this section to the department 2479  
of education and to the parents of students enrolled in the 2480  
community school; 2481

(4) Provide technical assistance to the community school in 2482  
complying with laws applicable to the school and terms of the 2483  
contract; 2484

(5) Take steps to intervene in the school's operation to 2485  
correct problems in the school's overall performance, declare the 2486

school to be on probationary status pursuant to section 3314.073 2487  
of the Revised Code, suspend the operation of the school pursuant 2488  
to section 3314.072 of the Revised Code, or terminate the contract 2489  
of the school pursuant to section 3314.07 of the Revised Code as 2490  
determined necessary by the sponsor; 2491

(6) Have in place a plan of action to be undertaken in the 2492  
event the community school experiences financial difficulties or 2493  
closes prior to the end of a school year. 2494

(E) Upon the expiration of a contract entered into under this 2495  
section, the sponsor of a community school may, with the approval 2496  
of the governing authority of the school, renew that contract for 2497  
a period of time determined by the sponsor, but not ending earlier 2498  
than the end of any school year, if the sponsor finds that the 2499  
school's compliance with applicable laws and terms of the contract 2500  
and the school's progress in meeting the academic goals prescribed 2501  
in the contract have been satisfactory. Any contract that is 2502  
renewed under this division remains subject to the provisions of 2503  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 2504

(F) If a community school fails to open for operation within 2505  
one year after the contract entered into under this section is 2506  
adopted pursuant to division (D) of section 3314.02 of the Revised 2507  
Code or permanently closes prior to the expiration of the 2508  
contract, the contract shall be void and the school shall not 2509  
enter into a contract with any other sponsor. A school shall not 2510  
be considered permanently closed because the operations of the 2511  
school have been suspended pursuant to section 3314.072 of the 2512  
Revised Code. Any contract that becomes void under this division 2513  
shall not count toward any statewide limit on the number of such 2514  
contracts prescribed by section 3314.013 of the Revised Code. 2515

**Sec. 3323.01.** As used in this chapter and Chapter 3321. of 2516  
the Revised Code: 2517

(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.

(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.

(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 therapy, physical education, recreation, counseling services including rehabilitative counseling, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only.

(D) "Appropriate public education" means special education and related services that:

(1) Are provided at public expense and under public supervision;

(2) Meet the standards of the state board of education;

(3) Include an appropriate preschool, elementary, or secondary education;

(4) Are provided in conformity with the individualized

education program required under this chapter.	2548
(E) "Individualized education program" means a written	2549
statement for each handicapped child designed to meet the unique	2550
needs of a handicapped child, which statement shall include:	2551
(1) A statement of the present levels of educational	2552
performance of such child;	2553
(2) A statement of annual goals, including short-term	2554
instructional objectives;	2555
(3) A statement of the specific educational services to be	2556
provided to such child, and the extent to which such child will be	2557
able to participate in regular educational programs;	2558
(4) A statement of the transition services needed for such	2559
child beginning no later than age sixteen and annually thereafter	2560
(and, when determined appropriate for such child, beginning at age	2561
fourteen or younger), including, when appropriate, a statement of	2562
the interagency responsibilities and linkages before the student	2563
leaves the school setting;	2564
(5) The projected date for initiation and anticipated	2565
duration of such services;	2566
(6) Appropriate objective criteria and evaluation procedures	2567
and schedules for determining, on at least an annual basis,	2568
whether instructional objectives are being achieved, and whether	2569
current placement is appropriate.	2570
(F) "Other educational agency" means a department, division,	2571
bureau, office, institution, board, commission, committee,	2572
authority, or other state or local agency, other than a school	2573
district or an agency administered by the department of mental	2574
retardation and developmental disabilities, that provides or seeks	2575
to provide special education or related services to handicapped	2576
children.	2577

(G) "School district" means a city, local, or exempted  
village school district. 2578  
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(H) "Parents" means either parent. If the parents are 2580  
separated or divorced, "parent" means the parent who is the 2581  
residential parent and legal custodian of the handicapped child. 2582  
Except as used in division (I) of this section and in sections 2583  
3323.09 and 3323.141 of the Revised Code, "parents" includes a 2584  
child's guardian or custodian. This definition does not apply to 2585  
Chapter 3321. of the Revised Code. 2586

(I) As used in sections 3323.09, 3323.091, 3323.13, and 2587  
3323.14 of the Revised Code, "school district of residence" means: 2588

(1) The school district in which the child's parents reside; 2589

(2) If the school district specified in division (I)(1) of 2590  
this section cannot be determined, the last school district in 2591  
which the child's parents are known to have resided if the 2592  
parents' whereabouts are unknown; 2593

(3) If the school district specified in division (I)(2) of 2594  
this section cannot be determined, the school district determined 2595  
by the court under section ~~2151.357~~ 2151.362 of the Revised Code, 2596  
or if no district has been so determined, the school district as 2597  
determined by the probate court of the county in which the child 2598  
resides. The school district of residence that had been 2599  
established under this section on December 12, 1983, shall remain 2600  
the child's school district of residence unless a district of 2601  
residence can be determined under division (I)(1) or (2) of this 2602  
section. 2603

(4) Notwithstanding divisions (I)(1) to (3) of this section, 2604  
if a school district is required by section 3313.65 of the Revised 2605  
Code to pay tuition for a child, that district shall be the 2606  
child's school district of residence. 2607

(J) "County MR/DD board" means a county board of mental 2608  
retardation and developmental disabilities. 2609

(K) "Handicapped preschool child" means a handicapped child 2610  
who is at least three years of age but is not of compulsory school 2611  
age, as defined under section 3321.01 of the Revised Code, and who 2612  
is not currently enrolled in kindergarten. 2613

(L) "Transition services" means a coordinated set of 2614  
activities for a student, designed within an outcome-oriented 2615  
process, that: 2616

(1) Promotes movement from school to post-school activities, 2617  
including post-secondary education; vocational training; 2618  
integrated employment, including supported employment; continuing 2619  
and adult education; adult services; independent living; and 2620  
community participation; 2621

(2) Is based upon the individual student's needs, including 2622  
taking into account the student's preferences and interests; 2623

(3) Includes instruction, community experiences, the 2624  
development of employment and other post-school adult living 2625  
objectives, and, when appropriate, acquisition of daily living 2626  
skills and functional vocational evaluation. 2627

(M) "Visual disability" for any individual means that one of 2628  
the following applies to the individual: 2629

(1) The individual has a visual acuity of 20/200 or less in 2630  
the better eye with correcting lenses or has a limited field of 2631  
vision in the better eye such that the widest diameter subtends an 2632  
angular distance of no greater than twenty degrees. 2633

(2) The individual has a medically indicated expectation of 2634  
meeting the requirements of division (M)(1) of this section over a 2635  
period of time. 2636

(3) The individual has a medically diagnosed and medically 2637

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.

(N) "Student with a visual disability" means any person under  
twenty-two years of age who has a visual disability.

(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.

**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.

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.

(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. 2668

An owner of a public or private place is not liable for acts 2669  
or omissions in violation of this division that are committed by a 2670  
lessee of that place, unless the owner authorizes or acquiesces in 2671  
the lessee's acts or omissions. 2672

(C) No person shall engage or use accommodations at a hotel, 2673  
inn, cabin, campground, or restaurant when the person knows or has 2674  
reason to know either of the following: 2675

(1) That beer or intoxicating liquor will be consumed by an 2676  
underage person on the premises of the accommodations that the 2677  
person engages or uses, unless the person engaging or using the 2678  
accommodations is the spouse of the underage person and who is not 2679  
an underage person, or is the parent or legal guardian of all of 2680  
the underage persons, who consume beer or intoxicating liquor on 2681  
the premises and that person is on the premises at all times when 2682  
beer or intoxicating liquor is being consumed by an underage 2683  
person; 2684

(2) That a drug of abuse will be consumed on the premises of 2685  
the accommodations by any person, except a person who obtained the 2686  
drug of abuse pursuant to a prescription issued by a licensed 2687  
health professional authorized to prescribe drugs and has the drug 2688  
of abuse in the original container in which it was dispensed to 2689  
the person. 2690

(D)(1) No person is required to permit the engagement of 2691  
accommodations at any hotel, inn, cabin, or campground by an 2692  
underage person or for an underage person, if the person engaging 2693  
the accommodations knows or has reason to know that the underage 2694  
person is intoxicated, or that the underage person possesses any 2695  
beer or intoxicating liquor and is not accompanied by a parent, 2696  
spouse who is not an underage person, or legal guardian who is or 2697  
will be present at all times when the beer or intoxicating liquor 2698



is being consumed by the underage person.

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(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.

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(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.

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(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.

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(b) If a person is charged in a criminal complaint with 2731  
violating division (E)(1) of this section, section 2935.36 of the 2732  
Revised Code shall apply to the offense, except that a person is 2733  
ineligible for diversion under that section if the person 2734  
previously has been diverted pursuant to division (E)(2)(a) or (b) 2735  
of this section. If the person completes the diversion program to 2736  
the satisfaction of the court, the court shall dismiss the 2737  
complaint and order the record in the case sealed under section 2738  
2953.52 of the Revised Code. If the person fails to satisfactorily 2739  
complete the diversion program, the court shall proceed with the 2740  
complaint. 2741

(F) No parent, spouse who is not an underage person, or legal 2742  
guardian of a minor shall knowingly permit the minor to violate 2743  
this section or section 4301.63, 4301.633, or 4301.634 of the 2744  
Revised Code. 2745

(G) The operator of any hotel, inn, cabin, or campground 2746  
shall make the provisions of this section available in writing to 2747  
any person engaging or using accommodations at the hotel, inn, 2748  
cabin, or campground. 2749

(H) As used in this section: 2750

(1) "Drug of abuse" has the same meaning as in section 2751  
3719.011 of the Revised Code. 2752

(2) "Hotel" has the same meaning as in section 3731.01 of the 2753  
Revised Code. 2754

(3) "Licensed health professional authorized to prescribe 2755  
drugs" and "prescription" have the same meanings as in section 2756  
4729.01 of the Revised Code. 2757

(4) "Minor" means a person under the age of eighteen years. 2758

(5) "Underage person" means a person under the age of 2759  
twenty-one years. 2760

<b>Section 2.</b> That existing sections 2151.313, 2151.357,	2761
2152.72, 2930.13, 3301.0714, 3313.64, 3313.662, 3314.03, 3323.01,	2762
and 4301.69 and section 2151.358 of the Revised Code are hereby	2763
repealed.	2764