

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 462**

**Representative Pelanda**

**Cosponsors: Representatives Boose, Garland, Pillich, Phillips, Hottinger,  
Milkovich, Blair, Stebelton, Yuko, Adams, J.**

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**A B I L L**

To amend section 3313.642 and to enact section 1  
2151.272 of the Revised Code with respect to a 2  
school district's withholding or transfer to 3  
another district or school of the grades and 4  
credits of a child who is alleged or adjudicated 5  
an abused, neglected, or dependent child. 6

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

**Section 1.** That section 3313.642 be amended and section 7  
2151.272 of the Revised Code be enacted to read as follows: 8

**Sec. 2151.272.** Upon the filing of a complaint, under section 9  
2151.27 of the Revised Code, alleging that a child is an abused, 10  
neglected, or dependent child, the judge of the court in which the 11  
complaint is filed may order the board of education of the school 12  
district in which the child was enrolled immediately prior to the 13  
filing of the complaint to release the child's grades, credits, 14  
and transcripts to any district or school in which the child 15  
enrolls after the complaint is filed. 16

**Sec. 3313.642.** (A) Except as provided in division (B) of this 17

section and notwithstanding the provisions of sections 3313.48 and 18  
3313.64 of the Revised Code, the board of education of a city, 19  
exempted village, or local school district shall not be required 20  
to furnish, free of charge, to the pupils attending the public 21  
schools any materials used in a course of instruction with the 22  
exception of the necessary textbooks or electronic textbooks 23  
required to be furnished without charge pursuant to section 24  
3329.06 of the Revised Code. The board may, however, make 25  
provision by appropriations transferred from the general fund of 26  
the district or otherwise for furnishing free of charge any 27  
materials used in a course of instruction to such pupils as it 28  
determines are in serious financial need of such materials. 29

(B) No board of education of a school district shall charge a 30  
fee to a pupil who is eligible for a free lunch under the 31  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 32  
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 33  
42 U.S.C. 1771, as amended, for any materials needed to enable the 34  
pupil to participate fully in a course of instruction. The 35  
prohibition in this division against charging a fee does not apply 36  
to any fee charged for any of the following: 37

(1) Any materials needed to enable a pupil to participate 38  
fully in extracurricular activities or in any pupil enrichment 39  
program that is not a course of instruction; 40

(2) Any tools, equipment, and materials that are necessary 41  
for workforce-readiness training within a career-technical 42  
education program that, to the extent the tools, equipment, and 43  
materials are not consumed, may be retained by the student upon 44  
course completion. 45

(C) Boards of education may adopt rules and regulations 46  
prescribing ~~a~~ each of the following: 47

(1) A schedule of fees for materials used in a course of 48

instruction ~~and prescribing a;~~ 49

(2) A schedule of charges which may be imposed upon pupils 50  
for the loss, damage, or destruction of school apparatus, 51  
equipment, musical instruments, library material, textbooks, or 52  
electronic textbooks required to be furnished without charge, and 53  
for damage to school buildings, ~~and.~~ 54

Except as provided in division (D) of this section, boards of 55  
education may enforce the payment of such fees and charges by 56  
withholding the grades and credits of the pupils concerned. 57

(D) No board of education shall withhold the grades, credits, 58  
transcripts, or diploma of a pupil for nonpayment of fees for 59  
materials used in a course of instruction imposed under division 60  
(C)(1) of this section, if a complaint has been filed at any time 61  
in a juvenile court alleging that the pupil is an abused, 62  
neglected, or dependent child or if the pupil has been adjudicated 63  
an abused, neglected, or dependent child. 64

A board shall require that the grades, credits, or 65  
transcripts of a pupil described in this division be transferred 66  
immediately upon the receipt of either another district's or 67  
school's request for those records under section 3313.672 of the 68  
Revised Code or a juvenile judge's order under section 2151.272 of 69  
the Revised Code. 70

**Section 2.** That existing section 3313.642 of the Revised Code 71  
is hereby repealed. 72