

**As Passed by the House**

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

**Am. H. B. No. 462**

**Representative Pelanda**

**Cosponsors: Representatives Boose, Garland, Pillich, Phillips, Hottinger, Milkovich, Blair, Stebelton, Yuko, Adams, J., Anielski, Barnes, Beck, Blessing, Brenner, Bubb, Buchy, Budish, Carney, Celebrezze, Celeste, Cera, Combs, Conditt, Damschroder, Derickson, DeVitis, Driehaus, Duffey, Gardner, Gonzales, Goyal, Grossman, Hackett, Hagan, C., Hall, Hayes, Heard, Hill, Huffman, Johnson, Kozlowski, Letson, Maag, Mallory, Martin, McClain, O'Brien, Patmon, Ramos, Ruhl, Sears, Smith, Sprague, Stautberg, Stinziano, Terhar, Uecker, Wachtmann, Williams, Winburn, Young Speaker Batchelder**

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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 records of a 4  
child who is alleged or adjudicated an abused, 5  
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. (A) As used in this section:** 9

**(1) "IEP" has the same meaning as in section 3323.01 of the** 10  
**Revised Code.** 11

(2) "504 plan" means a plan based on an evaluation conducted 12  
in accordance with section 504 of the "Rehabilitation Act of 13  
1973," 29 U.S.C. 794, as amended. 14

(B) Upon the filing of a complaint, under section 2151.27 of 15  
the Revised Code, alleging that a child is an abused, neglected, 16  
or dependent child, the judge of the court in which the complaint 17  
is filed may order the board of education of the school district 18  
in which the child was enrolled immediately prior to the filing of 19  
the complaint to release the child's grades, credits, official 20  
transcripts, IEPs, and 504 plans to any district or school in 21  
which the child enrolls after the complaint is filed. 22

**Sec. 3313.642.** (A) Except as provided in division (B) of this 23  
section and notwithstanding the provisions of sections 3313.48 and 24  
3313.64 of the Revised Code, the board of education of a city, 25  
exempted village, or local school district shall not be required 26  
to furnish, free of charge, to the pupils attending the public 27  
schools any materials used in a course of instruction with the 28  
exception of the necessary textbooks or electronic textbooks 29  
required to be furnished without charge pursuant to section 30  
3329.06 of the Revised Code. The board may, however, make 31  
provision by appropriations transferred from the general fund of 32  
the district or otherwise for furnishing free of charge any 33  
materials used in a course of instruction to such pupils as it 34  
determines are in serious financial need of such materials. 35

(B) No board of education of a school district shall charge a 36  
fee to a pupil who is eligible for a free lunch under the 37  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 38  
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 39  
42 U.S.C. 1771, as amended, for any materials needed to enable the 40  
pupil to participate fully in a course of instruction. The 41  
prohibition in this division against charging a fee does not apply 42

to any fee charged for any of the following: 43

(1) Any materials needed to enable a pupil to participate 44  
fully in extracurricular activities or in any pupil enrichment 45  
program that is not a course of instruction; 46

(2) Any tools, equipment, and materials that are necessary 47  
for workforce-readiness training within a career-technical 48  
education program that, to the extent the tools, equipment, and 49  
materials are not consumed, may be retained by the student upon 50  
course completion. 51

(C) Boards of education may adopt rules and regulations 52  
prescribing ~~a~~ each of the following: 53

(1) A schedule of fees for materials used in a course of 54  
instruction and prescribing a: 55

(2) A schedule of charges which may be imposed upon pupils 56  
for the loss, damage, or destruction of school apparatus, 57  
equipment, musical instruments, library material, textbooks, or 58  
electronic textbooks required to be furnished without charge, and 59  
for damage to school buildings, ~~and.~~ 60

Except as provided in division (D) of this section, boards of 61  
education may enforce the payment of such fees and charges by 62  
withholding the grades and credits of the pupils concerned. 63

(D) No board of education shall withhold the grades, credits, 64  
official transcripts, diploma, IEPs, or 504 plans of a pupil for 65  
nonpayment of fees for materials used in a course of instruction 66  
imposed under division (C)(1) of this section, if a complaint has 67  
been filed at any time in a juvenile court alleging that the pupil 68  
is an abused, neglected, or dependent child or if the pupil has 69  
been adjudicated an abused, neglected, or dependent child. 70

A board shall require that the grades, credits, official 71  
transcripts, IEPs, or 504 plan of a pupil described in this 72

division be transferred immediately upon the receipt of either 73  
another district's or school's request for those records under 74  
section 3313.672 of the Revised Code or a juvenile judge's order 75  
under section 2151.272 of the Revised Code. A board that is 76  
required to transfer records under division (D) of this section 77  
may request a copy of any order regarding the child's custody or 78  
placement issued pursuant to a complaint filed under section 79  
2151.27 of the Revised Code. 80

(E) Each board of education annually shall report to the 81  
department of education the number of pupils for whom the board 82  
sends transcripts under division (D) of this section and the total 83  
amount of unpaid fees lost due to compliance with that division. 84

(F) As used in this section: 85

(1) "IEP" has the same meaning as in section 3323.01 of the 86  
Revised Code. 87

(2) "504 plan" means a plan based on an evaluation conducted 88  
in accordance with section 504 of the "Rehabilitation Act of 89  
1973," 29 U.S.C. 794, as amended. 90

**Section 2.** That existing section 3313.642 of the Revised Code 91  
is hereby repealed. 92