

As Introduced

**130th General Assembly
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S. B. No. 195

Senator Tavares

Cosponsor: Senator Kearney

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A B I L L

To amend section 3313.64 of the Revised Code with 1
respect to enrollment in a school district of a 2
child who is alleged or adjudicated an abused, 3
neglected, or dependent child. 4

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

Section 1. That section 3313.64 of the Revised Code be 5
amended to read as follows: 6

Sec. 3313.64. (A) As used in this section and in section 7
3313.65 of the Revised Code: 8

(1)(a) Except as provided in division (A)(1)(b) of this 9
section, "parent" means either parent, unless the parents are 10
separated or divorced or their marriage has been dissolved or 11
annulled, in which case "parent" means the parent who is the 12
residential parent and legal custodian of the child. When a child 13
is in the legal custody of a government agency or a person other 14
than the child's natural or adoptive parent, "parent" means the 15
parent with residual parental rights, privileges, and 16
responsibilities. When a child is in the permanent custody of a 17
government agency or a person other than the child's natural or 18
adoptive parent, "parent" means the parent who was divested of 19

parental rights and responsibilities for the care of the child and 20
the right to have the child live with the parent and be the legal 21
custodian of the child and all residual parental rights, 22
privileges, and responsibilities. 23

(b) When a child is the subject of a power of attorney 24
executed under sections 3109.51 to 3109.62 of the Revised Code, 25
"parent" means the grandparent designated as attorney in fact 26
under the power of attorney. When a child is the subject of a 27
caretaker authorization affidavit executed under sections 3109.64 28
to 3109.73 of the Revised Code, "parent" means the grandparent 29
that executed the affidavit. 30

(2) "Legal custody," "permanent custody," and "residual 31
parental rights, privileges, and responsibilities" have the same 32
meanings as in section 2151.011 of the Revised Code. 33

(3) "School district" or "district" means a city, local, or 34
exempted village school district and excludes any school operated 35
in an institution maintained by the department of youth services. 36

(4) Except as used in division (C)(2) of this section, "home" 37
means a home, institution, foster home, group home, or other 38
residential facility in this state that receives and cares for 39
children, to which any of the following applies: 40

(a) The home is licensed, certified, or approved for such 41
purpose by the state or is maintained by the department of youth 42
services. 43

(b) The home is operated by a person who is licensed, 44
certified, or approved by the state to operate the home for such 45
purpose. 46

(c) The home accepted the child through a placement by a 47
person licensed, certified, or approved to place a child in such a 48
home by the state. 49

(d) The home is a children's home created under section	50
5153.21 or 5153.36 of the Revised Code.	51
(5) "Agency" means all of the following:	52
(a) A public children services agency;	53
(b) An organization that holds a certificate issued by the	54
Ohio department of job and family services in accordance with the	55
requirements of section 5103.03 of the Revised Code and assumes	56
temporary or permanent custody of children through commitment,	57
agreement, or surrender, and places children in family homes for	58
the purpose of adoption;	59
(c) Comparable agencies of other states or countries that	60
have complied with applicable requirements of section 2151.39 of	61
the Revised Code or as applicable, sections 5103.20 to 5103.22 or	62
5103.23 to 5103.237 of the Revised Code.	63
(6) A child is placed for adoption if either of the following	64
occurs:	65
(a) An agency to which the child has been permanently	66
committed or surrendered enters into an agreement with a person	67
pursuant to section 5103.16 of the Revised Code for the care and	68
adoption of the child.	69
(b) The child's natural parent places the child pursuant to	70
section 5103.16 of the Revised Code with a person who will care	71
for and adopt the child.	72
(7) "Preschool child with a disability" has the same meaning	73
as in section 3323.01 of the Revised Code.	74
(8) "Child," unless otherwise indicated, includes preschool	75
children with disabilities.	76
(9) "Active duty" means active duty pursuant to an executive	77
order of the president of the United States, an act of the	78
congress of the United States, or section 5919.29 or 5923.21 of	79

the Revised Code. 80

(B) Except as otherwise provided in section 3321.01 of the 81
Revised Code for admittance to kindergarten and first grade, a 82
child who is at least five but under twenty-two years of age and 83
any preschool child with a disability shall be admitted to school 84
as provided in this division. 85

(1) A child shall be admitted to the schools of the school 86
district in which the child's parent resides. 87

(2) Except as provided in division (B) of section 2151.362 88
and section 3317.30 of the Revised Code, a child who does not 89
reside in the district where the child's parent resides shall be 90
admitted to the schools of the district in which the child resides 91
if any of the following applies: 92

(a) The child is in the legal or permanent custody of a 93
government agency or a person other than the child's natural or 94
adoptive parent. 95

(b) The child resides in a home. 96

(c) The child requires special education. 97

(3) A child who is not entitled under division (B)(2) of this 98
section to be admitted to the schools of the district where the 99
child resides and who is residing with a resident of this state 100
with whom the child has been placed for adoption shall be admitted 101
to the schools of the district where the child resides unless 102
either of the following applies: 103

(a) The placement for adoption has been terminated. 104

(b) Another school district is required to admit the child 105
under division (B)(1) of this section. 106

Division (B) of this section does not prohibit the board of 107
education of a school district from placing a child with a 108
disability who resides in the district in a special education 109

program outside of the district or its schools in compliance with 110
Chapter 3323. of the Revised Code. 111

(C) A district shall not charge tuition for children admitted 112
under division (B)(1) or (3) of this section. If the district 113
admits a child under division (B)(2) of this section, tuition 114
shall be paid to the district that admits the child as provided in 115
divisions (C)(1) to (3) of this section, unless division (C)(4) of 116
this section applies to the child: 117

(1) If the child receives special education in accordance 118
with Chapter 3323. of the Revised Code, the school district of 119
residence, as defined in section 3323.01 of the Revised Code, 120
shall pay tuition for the child in accordance with section 121
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 122
regardless of who has custody of the child or whether the child 123
resides in a home. 124

(2) For a child that does not receive special education in 125
accordance with Chapter 3323. of the Revised Code, except as 126
otherwise provided in division (C)(2)(d) of this section, if the 127
child is in the permanent or legal custody of a government agency 128
or person other than the child's parent, tuition shall be paid by: 129

(a) The district in which the child's parent resided at the 130
time the court removed the child from home or at the time the 131
court vested legal or permanent custody of the child in the person 132
or government agency, whichever occurred first; 133

(b) If the parent's residence at the time the court removed 134
the child from home or placed the child in the legal or permanent 135
custody of the person or government agency is unknown, tuition 136
shall be paid by the district in which the child resided at the 137
time the child was removed from home or placed in legal or 138
permanent custody, whichever occurred first; 139

(c) If a school district cannot be established under division 140

(C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

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

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

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

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

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

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention

facility established under section 2152.41 of the Revised Code, or 172
a juvenile facility established under section 2151.65 of the 173
Revised Code, receives educational services at the home or 174
facility in which the child resides pursuant to a contract between 175
the home or facility and the school district providing those 176
services, and does not receive special education. 177

In the case of a child to which division (C)(4) of this 178
section applies, the total educational cost to be paid for the 179
child shall be determined by a formula approved by the department 180
of education, which formula shall be designed to calculate a per 181
diem cost for the educational services provided to the child for 182
each day the child is served and shall reflect the total actual 183
cost incurred in providing those services. The department shall 184
certify the total educational cost to be paid for the child to 185
both the school district providing the educational services and, 186
if different, the school district that is responsible to pay 187
tuition for the child. The department shall deduct the certified 188
amount from the state basic aid funds payable under Chapter 3317. 189
of the Revised Code to the district responsible to pay tuition and 190
shall pay that amount to the district providing the educational 191
services to the child. 192

(D) Tuition required to be paid under divisions (C)(2) and 193
(3)(a) of this section shall be computed in accordance with 194
section 3317.08 of the Revised Code. Tuition required to be paid 195
under division (C)(3)(b) of this section shall be computed in 196
accordance with section 3317.081 of the Revised Code. If a home 197
fails to pay the tuition required by division (C)(3)(b) of this 198
section, the board of education providing the education may 199
recover in a civil action the tuition and the expenses incurred in 200
prosecuting the action, including court costs and reasonable 201
attorney's fees. If the prosecuting attorney or city director of 202
law represents the board in such action, costs and reasonable 203

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. 266

(7) A child under the age of twenty-two years residing with a 267
parent who has a contract to purchase a house in a school district 268
outside the district where the parent is residing and who is 269
waiting upon the date of closing of the mortgage loan for the 270
purchase of such house is entitled to attend school for a period 271
of time in the district where the house is being purchased. In 272
order to be entitled to such attendance, the parent shall provide 273
the district superintendent with the following: 274

(a) A sworn statement explaining the situation, revealing the 275
location of the house being purchased, and stating the parent's 276
intent to reside there; 277

(b) A statement from a real estate broker or bank officer 278
confirming that the parent has a contract to purchase the house, 279
that the parent is waiting upon the date of closing of the 280
mortgage loan, and that the house is at the location indicated in 281
the parent's statement. 282

The district superintendent shall establish a period of time 283
not to exceed ninety days during which the child entitled to 284
attend school under division (F)(6) or (7) of this section may 285
attend without tuition obligation. A student attending a school 286
under division (F)(6) or (7) of this section shall be eligible to 287
participate in interscholastic athletics under the auspices of 288
that school, provided the board of education of the school 289
district where the student's parent resides, by a formal action, 290
releases the student to participate in interscholastic athletics 291
at the school where the student is attending, and provided the 292
student receives any authorization required by a public agency or 293
private organization of which the school district is a member 294
exercising authority over interscholastic sports. 295

(8) A child whose parent is a full-time employee of a city, 296

local, or exempted village school district, or of an educational 297
service center, may be admitted to the schools of the district 298
where the child's parent is employed, or in the case of a child 299
whose parent is employed by an educational service center, in the 300
district that serves the location where the parent's job is 301
primarily located, provided the district board of education 302
establishes such an admission policy by resolution adopted by a 303
majority of its members. Any such policy shall take effect on the 304
first day of the school year and the effective date of any 305
amendment or repeal may not be prior to the first day of the 306
subsequent school year. The policy shall be uniformly applied to 307
all such children and shall provide for the admission of any such 308
child upon request of the parent. No child may be admitted under 309
this policy after the first day of classes of any school year. 310

(9) A child who is with the child's parent under the care of 311
a shelter for victims of domestic violence, as defined in section 312
3113.33 of the Revised Code, is entitled to attend school free in 313
the district in which the child is with the child's parent, and no 314
other school district shall be required to pay tuition for the 315
child's attendance in that school district. 316

The enrollment of a child in a school district under this 317
division shall not be denied due to a delay in the school 318
district's receipt of any records required under section 3313.672 319
of the Revised Code or any other records required for enrollment. 320
Any days of attendance and any credits earned by a child while 321
enrolled in a school district under this division shall be 322
transferred to and accepted by any school district in which the 323
child subsequently enrolls. The state board of education shall 324
adopt rules to ensure compliance with this division. 325

(10) Any child under the age of twenty-two years whose parent 326
has moved out of the school district after the commencement of 327
classes in the child's senior year of high school is entitled, 328

subject to the approval of that district board, to attend school 329
in the district in which the child attended school at the time of 330
the parental move for the remainder of the school year and for one 331
additional semester or equivalent term. A district board may also 332
adopt a policy specifying extenuating circumstances under which a 333
student may continue to attend school under division (F)(10) of 334
this section for an additional period of time in order to 335
successfully complete the high school curriculum for the 336
individualized education program developed for the student by the 337
high school pursuant to section 3323.08 of the Revised Code. 338

(11) As used in this division, "grandparent" means a parent 339
of a parent of a child. A child under the age of twenty-two years 340
who is in the custody of the child's parent, resides with a 341
grandparent, and does not require special education is entitled to 342
attend the schools of the district in which the child's 343
grandparent resides, provided that, prior to such attendance in 344
any school year, the board of education of the school district in 345
which the child's grandparent resides and the board of education 346
of the school district in which the child's parent resides enter 347
into a written agreement specifying that good cause exists for 348
such attendance, describing the nature of this good cause, and 349
consenting to such attendance. 350

In lieu of a consent form signed by a parent, a board of 351
education may request the grandparent of a child attending school 352
in the district in which the grandparent resides pursuant to 353
division (F)(11) of this section to complete any consent form 354
required by the district, including any authorization required by 355
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 356
Code. Upon request, the grandparent shall complete any consent 357
form required by the district. A school district shall not incur 358
any liability solely because of its receipt of a consent form from 359
a grandparent in lieu of a parent. 360

Division (F)(11) of this section does not create, and shall 361
not be construed as creating, a new cause of action or substantive 362
legal right against a school district, a member of a board of 363
education, or an employee of a school district. This section does 364
not affect, and shall not be construed as affecting, any 365
immunities from defenses to tort liability created or recognized 366
by Chapter 2744. of the Revised Code for a school district, 367
member, or employee. 368

(12) A child under the age of twenty-two years is entitled to 369
attend school in a school district other than the district in 370
which the child is entitled to attend school under division (B), 371
(C), or (E) of this section provided that, prior to such 372
attendance in any school year, both of the following occur: 373

(a) The superintendent of the district in which the child is 374
entitled to attend school under division (B), (C), or (E) of this 375
section contacts the superintendent of another district for 376
purposes of this division; 377

(b) The superintendents of both districts enter into a 378
written agreement that consents to the attendance and specifies 379
that the purpose of such attendance is to protect the student's 380
physical or mental well-being or to deal with other extenuating 381
circumstances deemed appropriate by the superintendents. 382

While an agreement is in effect under this division for a 383
student who is not receiving special education under Chapter 3323. 384
of the Revised Code and notwithstanding Chapter 3327. of the 385
Revised Code, the board of education of neither school district 386
involved in the agreement is required to provide transportation 387
for the student to and from the school where the student attends. 388

A student attending a school of a district pursuant to this 389
division shall be allowed to participate in all student 390
activities, including interscholastic athletics, at the school 391

where the student is attending on the same basis as any student 392
who has always attended the schools of that district while of 393
compulsory school age. 394

(13) All school districts shall comply with the 395
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 396
seq., for the education of homeless children. Each city, local, 397
and exempted village school district shall comply with the 398
requirements of that act governing the provision of a free, 399
appropriate public education, including public preschool, to each 400
homeless child. 401

When a child loses permanent housing and becomes a homeless 402
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 403
such a homeless person changes temporary living arrangements, the 404
child's parent or guardian shall have the option of enrolling the 405
child in either of the following: 406

(a) The child's school of origin, as defined in 42 U.S.C.A. 407
11432(g)(3)(C); 408

(b) The school that is operated by the school district in 409
which the shelter where the child currently resides is located and 410
that serves the geographic area in which the shelter is located. 411

(14) A child under the age of twenty-two years who resides 412
with a person other than the child's parent is entitled to attend 413
school in the school district in which that person resides if both 414
of the following apply: 415

(a) That person has been appointed, through a military power 416
of attorney executed under section 574(a) of the "National Defense 417
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 418
U.S.C. 1044b, or through a comparable document necessary to 419
complete a family care plan, as the parent's agent for the care, 420
custody, and control of the child while the parent is on active 421
duty as a member of the national guard or a reserve unit of the 422

armed forces of the United States or because the parent is a 423
member of the armed forces of the United States and is on a duty 424
assignment away from the parent's residence. 425

(b) The military power of attorney or comparable document 426
includes at least the authority to enroll the child in school. 427

The entitlement to attend school in the district in which the 428
parent's agent under the military power of attorney or comparable 429
document resides applies until the end of the school year in which 430
the military power of attorney or comparable document expires. 431

(15)(a) A child who has been adjudicated an abused, 432
neglected, or dependent child, or for whom a complaint alleging 433
the same has been filed, according to section 2151.27 of the 434
Revised Code, shall have the option to attend any of the following 435
schools: 436

(i) The school that the child attended prior to the filing of 437
the complaint under section 2151.27 of the Revised Code; 438

(ii) Any school that is operated by the school district where 439
the child currently resides; 440

(iii) The school in which the child was last enrolled. 441

(b)(i) The district where the school a child selects 442
according to division (F)(15)(a) of this section is located shall 443
offer immediate enrollment to that child. 444

(ii) If applicable, the enrolling school shall immediately 445
contact the school last attended by the child to obtain the 446
necessary records. 447

(iii) If the enrolling district is also the district where 448
the child resides, that district shall provide transportation for 449
the child in accordance with section 3327.01 of the Revised Code. 450
If the enrolling district is not the district where the child 451
resides, the agency responsible for the administration of 452

children's services in the county where the child resides shall 453
ensure that the child receives transportation to the child's 454
school of choice, provided that such transportation does not 455
require more than thirty minutes of direct travel time as measured 456
by motor vehicle from the child's place of residence to the 457
child's school of choice. 458

(iv) A child who is enrolled pursuant to division (F)(15) of 459
this section shall be entitled to attend the child's school of 460
choice for the remainder of the child's public school education. 461

(c) If a child attending school pursuant to division (F)(15) 462
of this section needs to obtain immunizations or medical records, 463
the school shall immediately inform the child services agency or 464
person whom the court, according to division (B) of section 465
2151.28 of the Revised Code, has determined responsible for the 466
child's care. 467

(d) As used in division (F)(15) of this section: 468

(i) "IEP" has the same meaning as in section 3323.01 of the 469
Revised Code. 470

(ii) "504 plan" means a plan based on an evaluation conducted 471
in accordance with section 504 of the "Rehabilitation Act of 472
1973," 29 U.S.C. 794, as amended. 473

(iii) "Immediate enrollment" means enrollment within two full 474
school days regardless of whether the child is able to produce 475
records normally required for enrollment, including, but not 476
limited to, proof of residency, medical records, grades, credits, 477
official transcripts, IEPs, or 504 plans and regardless of whether 478
the child has unpaid fees. 479

(G) A board of education, after approving admission, may 480
waive tuition for students who will temporarily reside in the 481
district and who are either of the following: 482

(1) Residents or domiciliaries of a foreign nation who 483
request admission as foreign exchange students; 484

(2) Residents or domiciliaries of the United States but not 485
of Ohio who request admission as participants in an exchange 486
program operated by a student exchange organization. 487

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 488
3327.04, and 3327.06 of the Revised Code, a child may attend 489
school or participate in a special education program in a school 490
district other than in the district where the child is entitled to 491
attend school under division (B) of this section. 492

(I)(1) Notwithstanding anything to the contrary in this 493
section or section 3313.65 of the Revised Code, a child under 494
twenty-two years of age may attend school in the school district 495
in which the child, at the end of the first full week of October 496
of the school year, was entitled to attend school as otherwise 497
provided under this section or section 3313.65 of the Revised 498
Code, if at that time the child was enrolled in the schools of the 499
district but since that time the child or the child's parent has 500
relocated to a new address located outside of that school district 501
and within the same county as the child's or parent's address 502
immediately prior to the relocation. The child may continue to 503
attend school in the district, and at the school to which the 504
child was assigned at the end of the first full week of October of 505
the current school year, for the balance of the school year. 506
Division (I)(1) of this section applies only if both of the 507
following conditions are satisfied: 508

(a) The board of education of the school district in which 509
the child was entitled to attend school at the end of the first 510
full week in October and of the district to which the child or 511
child's parent has relocated each has adopted a policy to enroll 512
children described in division (I)(1) of this section. 513

(b) The child's parent provides written notification of the 514
relocation outside of the school district to the superintendent of 515
each of the two school districts. 516

(2) At the beginning of the school year following the school 517
year in which the child or the child's parent relocated outside of 518
the school district as described in division (I)(1) of this 519
section, the child is not entitled to attend school in the school 520
district under that division. 521

(3) Any person or entity owing tuition to the school district 522
on behalf of the child at the end of the first full week in 523
October, as provided in division (C) of this section, shall 524
continue to owe such tuition to the district for the child's 525
attendance under division (I)(1) of this section for the lesser of 526
the balance of the school year or the balance of the time that the 527
child attends school in the district under division (I)(1) of this 528
section. 529

(4) A pupil who may attend school in the district under 530
division (I)(1) of this section shall be entitled to 531
transportation services pursuant to an agreement between the 532
district and the district in which the child or child's parent has 533
relocated unless the districts have not entered into such 534
agreement, in which case the child shall be entitled to 535
transportation services in the same manner as a pupil attending 536
school in the district under interdistrict open enrollment as 537
described in division (H) of section 3313.981 of the Revised Code, 538
regardless of whether the district has adopted an open enrollment 539
policy as described in division (B)(1)(b) or (c) of section 540
3313.98 of the Revised Code. 541

(J) This division does not apply to a child receiving special 542
education. 543

A school district required to pay tuition pursuant to 544

division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) 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 (C) 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 (C) 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 (C) 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 577
be construed to require or authorize, the admission to a public 578
school in this state of a pupil who has been permanently excluded 579
from public school attendance by the superintendent of public 580
instruction pursuant to sections 3301.121 and 3313.662 of the 581
Revised Code. 582

(M) In accordance with division (B)(1) of this section, a 583
child whose parent is a member of the national guard or a reserve 584
unit of the armed forces of the United States and is called to 585
active duty, or a child whose parent is a member of the armed 586
forces of the United States and is ordered to a temporary duty 587
assignment outside of the district, may continue to attend school 588
in the district in which the child's parent lived before being 589
called to active duty or ordered to a temporary duty assignment 590
outside of the district, as long as the child's parent continues 591
to be a resident of that district, and regardless of where the 592
child lives as a result of the parent's active duty status or 593
temporary duty assignment. However, the district is not 594
responsible for providing transportation for the child if the 595
child lives outside of the district as a result of the parent's 596
active duty status or temporary duty assignment. 597

Section 2. That existing section 3313.64 of the Revised Code 598
is hereby repealed. 599