

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 493

Representative Wiggam

Cosponsors: Representatives Cross, Patterson, Seitz, Riedel, Kent

A BILL

To amend section 3313.64 of the Revised Code to
permit a child whose parents live in different
school districts to continue to attend school in
the school district in which the child attended
school at the beginning of the school year even
if the child moves to a different school
district.

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

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

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

(1) (a) Except as provided in division (A) (1) (b) of this
section, "parent" means either parent, unless the parents are
separated or divorced or their marriage has been dissolved or
annulled, in which case "parent" means the parent who is the
residential parent and legal custodian of the child. When a
child is in the legal custody of a government agency or a person
other than the child's natural or adoptive parent, "parent"

means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and 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, 48
certified, or approved by the state to operate the home for such 49
purpose. 50

(c) The home accepted the child through a placement by a 51
person licensed, certified, or approved to place a child in such 52
a home by the state. 53

(d) The home is a children's home created under section 54
5153.21 or 5153.36 of the Revised Code. 55

(5) "Agency" means all of the following: 56

(a) A public children services agency; 57

(b) An organization that holds a certificate issued by the 58
Ohio department of job and family services in accordance with 59
the requirements of section 5103.03 of the Revised Code and 60
assumes temporary or permanent custody of children through 61
commitment, agreement, or surrender, and places children in 62
family homes for the purpose of adoption; 63

(c) Comparable agencies of other states or countries that 64
have complied with applicable requirements of section 2151.39 of 65
the Revised Code or as applicable, sections 5103.20 to 5103.22 66
or 5103.23 to 5103.237 of the Revised Code. 67

(6) A child is placed for adoption if either of the 68
following occurs: 69

(a) An agency to which the child has been permanently 70
committed or surrendered enters into an agreement with a person 71
pursuant to section 5103.16 of the Revised Code for the care and 72
adoption of the child. 73

(b) The child's natural parent places the child pursuant 74
to section 5103.16 of the Revised Code with a person who will 75

care for and adopt the child. 76

(7) "Preschool child with a disability" has the same 77
meaning as in section 3323.01 of the Revised Code. 78

(8) "Child," unless otherwise indicated, includes 79
preschool children with disabilities. 80

(9) "Active duty" means active duty pursuant to an 81
executive order of the president of the United States, an act of 82
the congress of the United States, or section 5919.29 or 5923.21 83
of the Revised Code. 84

(B) Except as otherwise provided in section 3321.01 of the 85
Revised Code for admittance to kindergarten and first grade, a 86
child who is at least five but under twenty-two years of age and 87
any preschool child with a disability shall be admitted to 88
school as provided in this division. 89

(1) A child shall be admitted to the schools of the school 90
district in which the child's parent resides. 91

(2) Except as provided in division (B) of section 2151.362 92
and section 3317.30 of the Revised Code, a child who does not 93
reside in the district where the child's parent resides shall be 94
admitted to the schools of the district in which the child 95
resides if any of the following applies: 96

(a) The child is in the legal or permanent custody of a 97
government agency or a person other than the child's natural or 98
adoptive parent. 99

(b) The child resides in a home. 100

(c) The child requires special education. 101

(3) A child who is not entitled under division (B) (2) of 102

this section to be admitted to the schools of the district where 103
the child resides and who is residing with a resident of this 104
state with whom the child has been placed for adoption shall be 105
admitted to the schools of the district where the child resides 106
unless either of the following applies: 107

(a) The placement for adoption has been terminated. 108

(b) Another school district is required to admit the child 109
under division (B) (1) of this section. 110

Division (B) of this section does not prohibit the board 111
of education of a school district from placing a child with a 112
disability who resides in the district in a special education 113
program outside of the district or its schools in compliance 114
with Chapter 3323. of the Revised Code. 115

(C) A district shall not charge tuition for children 116
admitted under division (B) (1) or (3) of this section. If the 117
district admits a child under division (B) (2) of this section, 118
tuition shall be paid to the district that admits the child as 119
provided in divisions (C) (1) to (3) of this section, unless 120
division (C) (4) of this section applies to the child: 121

(1) If the child receives special education in accordance 122
with Chapter 3323. of the Revised Code, the school district of 123
residence, as defined in section 3323.01 of the Revised Code, 124
shall pay tuition for the child in accordance with section 125
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 126
regardless of who has custody of the child or whether the child 127
resides in a home. 128

(2) For a child that does not receive special education in 129
accordance with Chapter 3323. of the Revised Code, except as 130
otherwise provided in division (C) (2) (d) of this section, if the 131

child is in the permanent or legal custody of a government 132
agency or person other than the child's parent, tuition shall be 133
paid by: 134

(a) The district in which the child's parent resided at 135
the time the court removed the child from home or at the time 136
the court vested legal or permanent custody of the child in the 137
person or government agency, whichever occurred first; 138

(b) If the parent's residence at the time the court 139
removed the child from home or placed the child in the legal or 140
permanent custody of the person or government agency is unknown, 141
tuition shall be paid by the district in which the child resided 142
at the time the child was removed from home or placed in legal 143
or permanent custody, whichever occurred first; 144

(c) If a school district cannot be established under 145
division (C) (2) (a) or (b) of this section, tuition shall be paid 146
by the district determined as required by section 2151.362 of 147
the Revised Code by the court at the time it vests custody of 148
the child in the person or government agency; 149

(d) If at the time the court removed the child from home 150
or vested legal or permanent custody of the child in the person 151
or government agency, whichever occurred first, one parent was 152
in a residential or correctional facility or a juvenile 153
residential placement and the other parent, if living and not in 154
such a facility or placement, was not known to reside in this 155
state, tuition shall be paid by the district determined under 156
division (D) of section 3313.65 of the Revised Code as the 157
district required to pay any tuition while the parent was in 158
such facility or placement; 159

(e) If the department of education has determined, 160

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 a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to

receive a payment for that child under section 3323.14 of the 190
Revised Code, it shall not receive a tuition payment for that 191
child under division (C) (4) of this section. 192

If a child to whom division (C) (4) of this section applies 193
is not a special education student, a district shall receive a 194
tuition payment for that child under division (C) (4) of this 195
section. 196

In the case of a child to which division (C) (4) of this 197
section applies, the total educational cost to be paid for the 198
child shall be determined by a formula approved by the 199
department of education, which formula shall be designed to 200
calculate a per diem cost for the educational services provided 201
to the child for each day the child is served and shall reflect 202
the total actual cost incurred in providing those services. The 203
department shall certify the total educational cost to be paid 204
for the child to both the school district providing the 205
educational services and, if different, the school district that 206
is responsible to pay tuition for the child. The department 207
shall deduct the certified amount from the state basic aid funds 208
payable under Chapter 3317. of the Revised Code to the district 209
responsible to pay tuition and shall pay that amount to the 210
district providing the educational services to the child. 211

(D) Tuition required to be paid under divisions (C) (2) and 212
(3) (a) of this section shall be computed in accordance with 213
section 3317.08 of the Revised Code. Tuition required to be paid 214
under division (C) (3) (b) of this section shall be computed in 215
accordance with section 3317.081 of the Revised Code. If a home 216
fails to pay the tuition required by division (C) (3) (b) of this 217
section, the board of education providing the education may 218
recover in a civil action the tuition and the expenses incurred 219

in prosecuting the action, including court costs and reasonable 220
attorney's fees. If the prosecuting attorney or city director of 221
law represents the board in such action, costs and reasonable 222
attorney's fees awarded by the court, based upon the prosecuting 223
attorney's, director's, or one of their designee's time spent 224
preparing and presenting the case, shall be deposited in the 225
county or city general fund. 226

(E) A board of education may enroll a child free of any 227
tuition obligation for a period not to exceed sixty days, on the 228
sworn statement of an adult resident of the district that the 229
resident has initiated legal proceedings for custody of the 230
child. 231

(F) In the case of any individual entitled to attend 232
school under this division, no tuition shall be charged by the 233
school district of attendance and no other school district shall 234
be required to pay tuition for the individual's attendance. 235
Notwithstanding division (B), (C), or (E) of this section: 236

(1) All persons at least eighteen but under twenty-two 237
years of age who live apart from their parents, support 238
themselves by their own labor, and have not successfully 239
completed the high school curriculum or the individualized 240
education program developed for the person by the high school 241
pursuant to section 3323.08 of the Revised Code, are entitled to 242
attend school in the district in which they reside. 243

(2) Any child under eighteen years of age who is married 244
is entitled to attend school in the child's district of 245
residence. 246

(3) A child is entitled to attend school in the district 247
in which either of the child's parents is employed if the child 248

has a medical condition that may require emergency medical 249
attention. The parent of a child entitled to attend school under 250
division (F) (3) of this section shall submit to the board of 251
education of the district in which the parent is employed a 252
statement from the child's physician certifying that the child's 253
medical condition may require emergency medical attention. The 254
statement shall be supported by such other evidence as the board 255
may require. 256

(4) Any child residing with a person other than the 257
child's parent is entitled, for a period not to exceed twelve 258
months, to attend school in the district in which that person 259
resides if the child's parent files an affidavit with the 260
superintendent of the district in which the person with whom the 261
child is living resides stating all of the following: 262

(a) That the parent is serving outside of the state in the 263
armed services of the United States; 264

(b) That the parent intends to reside in the district upon 265
returning to this state; 266

(c) The name and address of the person with whom the child 267
is living while the parent is outside the state. 268

(5) Any child under the age of twenty-two years who, after 269
the death of a parent, resides in a school district other than 270
the district in which the child attended school at the time of 271
the parent's death is entitled to continue to attend school in 272
the district in which the child attended school at the time of 273
the parent's death for the remainder of the school year, subject 274
to approval of that district board. 275

(6) A child under the age of twenty-two years who resides 276
with a parent who is having a new house built in a school 277

district outside the district where the parent is residing is 278
entitled to attend school for a period of time in the district 279
where the new house is being built. In order to be entitled to 280
such attendance, the parent shall provide the district 281
superintendent with the following: 282

(a) A sworn statement explaining the situation, revealing 283
the location of the house being built, and stating the parent's 284
intention to reside there upon its completion; 285

(b) A statement from the builder confirming that a new 286
house is being built for the parent and that the house is at the 287
location indicated in the parent's statement. 288

(7) A child under the age of twenty-two years residing 289
with a parent who has a contract to purchase a house in a school 290
district outside the district where the parent is residing and 291
who is waiting upon the date of closing of the mortgage loan for 292
the purchase of such house is entitled to attend school for a 293
period of time in the district where the house is being 294
purchased. In order to be entitled to such attendance, the 295
parent shall provide the district superintendent with the 296
following: 297

(a) A sworn statement explaining the situation, revealing 298
the location of the house being purchased, and stating the 299
parent's intent to reside there; 300

(b) A statement from a real estate broker or bank officer 301
confirming that the parent has a contract to purchase the house, 302
that the parent is waiting upon the date of closing of the 303
mortgage loan, and that the house is at the location indicated 304
in the parent's statement. 305

The district superintendent shall establish a period of 306

time not to exceed ninety days during which the child entitled 307
to attend school under division (F) (6) or (7) of this section 308
may attend without tuition obligation. A student attending a 309
school under division (F) (6) or (7) of this section shall be 310
eligible to participate in interscholastic athletics under the 311
auspices of that school, provided the board of education of the 312
school district where the student's parent resides, by a formal 313
action, releases the student to participate in interscholastic 314
athletics at the school where the student is attending, and 315
provided the student receives any authorization required by a 316
public agency or private organization of which the school 317
district is a member exercising authority over interscholastic 318
sports. 319

(8) A child whose parent is a full-time employee of a 320
city, local, or exempted village school district, or of an 321
educational service center, may be admitted to the schools of 322
the district where the child's parent is employed, or in the 323
case of a child whose parent is employed by an educational 324
service center, in the district that serves the location where 325
the parent's job is primarily located, provided the district 326
board of education establishes such an admission policy by 327
resolution adopted by a majority of its members. Any such policy 328
shall take effect on the first day of the school year and the 329
effective date of any amendment or repeal may not be prior to 330
the first day of the subsequent school year. The policy shall be 331
uniformly applied to all such children and shall provide for the 332
admission of any such child upon request of the parent. No child 333
may be admitted under this policy after the first day of classes 334
of any school year. 335

(9) A child who is with the child's parent under the care 336
of a shelter for victims of domestic violence, as defined in 337

section 3113.33 of the Revised Code, is entitled to attend 338
school free in the district in which the child is with the 339
child's parent, and no other school district shall be required 340
to pay tuition for the child's attendance in that school 341
district. 342

The enrollment of a child in a school district under this 343
division shall not be denied due to a delay in the school 344
district's receipt of any records required under section 345
3313.672 of the Revised Code or any other records required for 346
enrollment. Any days of attendance and any credits earned by a 347
child while enrolled in a school district under this division 348
shall be transferred to and accepted by any school district in 349
which the child subsequently enrolls. The state board of 350
education shall adopt rules to ensure compliance with this 351
division. 352

(10) Any child under the age of twenty-two years whose 353
parent has moved out of the school district after the 354
commencement of classes in the child's senior year of high 355
school is entitled, subject to the approval of that district 356
board, to attend school in the district in which the child 357
attended school at the time of the parental move for the 358
remainder of the school year and for one additional semester or 359
equivalent term. A district board may also adopt a policy 360
specifying extenuating circumstances under which a student may 361
continue to attend school under division (F)(10) of this section 362
for an additional period of time in order to successfully 363
complete the high school curriculum for the individualized 364
education program developed for the student by the high school 365
pursuant to section 3323.08 of the Revised Code. 366

(11) As used in this division, "grandparent" means a 367

parent of a parent of a child. A child under the age of twenty- 368
two years who is in the custody of the child's parent, resides 369
with a grandparent, and does not require special education is 370
entitled to attend the schools of the district in which the 371
child's grandparent resides, provided that, prior to such 372
attendance in any school year, the board of education of the 373
school district in which the child's grandparent resides and the 374
board of education of the school district in which the child's 375
parent resides enter into a written agreement specifying that 376
good cause exists for such attendance, describing the nature of 377
this good cause, and consenting to such attendance. 378

In lieu of a consent form signed by a parent, a board of 379
education may request the grandparent of a child attending 380
school in the district in which the grandparent resides pursuant 381
to division (F)(11) of this section to complete any consent form 382
required by the district, including any authorization required 383
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 384
Revised Code. Upon request, the grandparent shall complete any 385
consent form required by the district. A school district shall 386
not incur any liability solely because of its receipt of a 387
consent form from a grandparent in lieu of a parent. 388

Division (F)(11) of this section does not create, and 389
shall not be construed as creating, a new cause of action or 390
substantive legal right against a school district, a member of a 391
board of education, or an employee of a school district. This 392
section does not affect, and shall not be construed as 393
affecting, any immunities from defenses to tort liability 394
created or recognized by Chapter 2744. of the Revised Code for a 395
school district, member, or employee. 396

(12) A child under the age of twenty-two years is entitled 397

to attend school in a school district other than the district in 398
which the child is entitled to attend school under division (B), 399
(C), or (E) of this section provided that, prior to such 400
attendance in any school year, both of the following occur: 401

(a) The superintendent of the district in which the child 402
is entitled to attend school under division (B), (C), or (E) of 403
this section contacts the superintendent of another district for 404
purposes of this division; 405

(b) The superintendents of both districts enter into a 406
written agreement that consents to the attendance and specifies 407
that the purpose of such attendance is to protect the student's 408
physical or mental well-being or to deal with other extenuating 409
circumstances deemed appropriate by the superintendents. 410

While an agreement is in effect under this division for a 411
student who is not receiving special education under Chapter 412
3323. of the Revised Code and notwithstanding Chapter 3327. of 413
the Revised Code, the board of education of neither school 414
district involved in the agreement is required to provide 415
transportation for the student to and from the school where the 416
student attends. 417

A student attending a school of a district pursuant to 418
this division shall be allowed to participate in all student 419
activities, including interscholastic athletics, at the school 420
where the student is attending on the same basis as any student 421
who has always attended the schools of that district while of 422
compulsory school age. 423

(13) All school districts shall comply with the "McKinney- 424
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 425
the education of homeless children. Each city, local, and 426

exempted village school district shall comply with the 427
requirements of that act governing the provision of a free, 428
appropriate public education, including public preschool, to 429
each homeless child. 430

When a child loses permanent housing and becomes a 431
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 432
child who is such a homeless person changes temporary living 433
arrangements, the child's parent or guardian shall have the 434
option of enrolling the child in either of the following: 435

(a) The child's school of origin, as defined in 42 436
U.S.C.A. 11432(g) (3) (C); 437

(b) The school that is operated by the school district in 438
which the shelter where the child currently resides is located 439
and that serves the geographic area in which the shelter is 440
located. 441

(14) A child under the age of twenty-two years who resides 442
with a person other than the child's parent is entitled to 443
attend school in the school district in which that person 444
resides if both of the following apply: 445

(a) That person has been appointed, through a military 446
power of attorney executed under section 574(a) of the "National 447
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 448
(1993), 10 U.S.C. 1044b, or through a comparable document 449
necessary to complete a family care plan, as the parent's agent 450
for the care, custody, and control of the child while the parent 451
is on active duty as a member of the national guard or a reserve 452
unit of the armed forces of the United States or because the 453
parent is a member of the armed forces of the United States and 454
is on a duty assignment away from the parent's residence. 455

(b) The military power of attorney or comparable document 456
includes at least the authority to enroll the child in school. 457

The entitlement to attend school in the district in which 458
the parent's agent under the military power of attorney or 459
comparable document resides applies until the end of the school 460
year in which the military power of attorney or comparable 461
document expires. 462

(G) A board of education, after approving admission, may 463
waive tuition for students who will temporarily reside in the 464
district and who are either of the following: 465

(1) Residents or domiciliaries of a foreign nation who 466
request admission as foreign exchange students; 467

(2) Residents or domiciliaries of the United States but 468
not of Ohio who request admission as participants in an exchange 469
program operated by a student exchange organization. 470

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 471
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 472
attend school or participate in a special education program in a 473
school district other than in the district where the child is 474
entitled to attend school under division (B) of this section. 475

(I) (1) Notwithstanding anything to the contrary in this 476
section or section 3313.65 of the Revised Code, a child under 477
twenty-two years of age may attend school in the school district 478
in which the child, at the end of the first full week of October 479
of the school year, was entitled to attend school as otherwise 480
provided under this section or section 3313.65 of the Revised 481
Code, if at that time the child was enrolled in the schools of 482
the district but since that time the child or the child's parent 483
has relocated to a new address located outside of that school 484

district and within the same county as the child's or parent's 485
address immediately prior to the relocation. The child may 486
continue to attend school in the district, and at the school to 487
which the child was assigned at the end of the first full week 488
of October of the current school year, for the balance of the 489
school year. Division (I)(1) of this section applies only if 490
both of the following conditions are satisfied: 491

(a) The board of education of the school district in which 492
the child was entitled to attend school at the end of the first 493
full week in October and of the district to which the child or 494
child's parent has relocated each has adopted a policy to enroll 495
children described in division (I)(1) of this section. 496

(b) The child's parent provides written notification of 497
the relocation outside of the school district to the 498
superintendent of each of the two school districts. 499

(2) At the beginning of the school year following the 500
school year in which the child or the child's parent relocated 501
outside of the school district as described in division (I)(1) 502
of this section, the child is not entitled to attend school in 503
the school district under that division. 504

(3) Any person or entity owing tuition to the school 505
district on behalf of the child at the end of the first full 506
week in October, as provided in division (C) of this section, 507
shall continue to owe such tuition to the district for the 508
child's attendance under division (I)(1) of this section for the 509
lesser of the balance of the school year or the balance of the 510
time that the child attends school in the district under 511
division (I)(1) of this section. 512

(4) A pupil who may attend school in the district under 513

division (I) (1) of this section shall be entitled to 514
transportation services pursuant to an agreement between the 515
district and the district in which the child or child's parent 516
has relocated unless the districts have not entered into such 517
agreement, in which case the child shall be entitled to 518
transportation services in the same manner as a pupil attending 519
school in the district under interdistrict open enrollment as 520
described in division (H) of section 3313.981 of the Revised 521
Code, regardless of whether the district has adopted an open 522
enrollment policy as described in division (B) (1) (b) or (c) of 523
section 3313.98 of the Revised Code. 524

(J) This division does not apply to a child receiving 525
special education. 526

A school district required to pay tuition pursuant to 527
division (C) (2) or (3) of this section or section 3313.65 of the 528
Revised Code shall have an amount deducted under division (C) of 529
section 3317.023 of the Revised Code equal to its own tuition 530
rate for the same period of attendance. A school district 531
entitled to receive tuition pursuant to division (C) (2) or (3) 532
of this section or section 3313.65 of the Revised Code shall 533
have an amount credited under division (C) of section 3317.023 534
of the Revised Code equal to its own tuition rate for the same 535
period of attendance. If the tuition rate credited to the 536
district of attendance exceeds the rate deducted from the 537
district required to pay tuition, the department of education 538
shall pay the district of attendance the difference from amounts 539
deducted from all districts' payments under division (C) of 540
section 3317.023 of the Revised Code but not credited to other 541
school districts under such division and from appropriations 542
made for such purpose. The treasurer of each school district 543
shall, by the fifteenth day of January and July, furnish the 544

superintendent of public instruction a report of the names of 545
each child who attended the district's schools under divisions 546
(C) (2) and (3) of this section or section 3313.65 of the Revised 547
Code during the preceding six calendar months, the duration of 548
the attendance of those children, the school district 549
responsible for tuition on behalf of the child, and any other 550
information that the superintendent requires. 551

Upon receipt of the report the superintendent, pursuant to 552
division (C) of section 3317.023 of the Revised Code, shall 553
deduct each district's tuition obligations under divisions (C) 554
(2) and (3) of this section or section 3313.65 of the Revised 555
Code and pay to the district of attendance that amount plus any 556
amount required to be paid by the state. 557

(K) In the event of a disagreement, the superintendent of 558
public instruction shall determine the school district in which 559
the parent resides. 560

(L) Nothing in this section requires or authorizes, or 561
shall be construed to require or authorize, the admission to a 562
public school in this state of a pupil who has been permanently 563
excluded from public school attendance by the superintendent of 564
public instruction pursuant to sections 3301.121 and 3313.662 of 565
the Revised Code. 566

(M) In accordance with division (B) (1) of this section, a 567
child whose parent is a member of the national guard or a 568
reserve unit of the armed forces of the United States and is 569
called to active duty, or a child whose parent is a member of 570
the armed forces of the United States and is ordered to a 571
temporary duty assignment outside of the district, may continue 572
to attend school in the district in which the child's parent 573
lived before being called to active duty or ordered to a 574

temporary duty assignment outside of the district, as long as 575
the child's parent continues to be a resident of that district, 576
and regardless of where the child lives as a result of the 577
parent's active duty status or temporary duty assignment. 578
However, the district is not responsible for providing 579
transportation for the child if the child lives outside of the 580
district as a result of the parent's active duty status or 581
temporary duty assignment. 582

(N) (1) For purposes of division (N) of this section, an 583
"eligible child" is a child under twenty-two years of age whose 584
parents, as of the first day of a school year, reside in 585
different school districts. 586

(2) Notwithstanding anything to the contrary in this 587
section or section 3109.04 or 3313.65 of the Revised Code, an 588
eligible child may continue to attend school in the school 589
district in which the child, as of the first day of the current 590
school year, was entitled to attend school as otherwise provided 591
under this section or section 3313.65 of the Revised Code, if at 592
that time the child was enrolled in the schools of the district 593
but since that time the child has relocated outside of that 594
school district to reside with the child's other parent or with 595
the child's legal custodian. The child may continue to attend 596
school in the district, and at the school to which the child was 597
assigned as of the first day of the current school year, for the 598
balance of that school year. 599

Section 2. That existing section 3313.64 of the Revised 600
Code is hereby repealed. 601