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Bill Analysis

Legislative Service Commission

Sub. H.B. 243 123rd General Assembly (As Reported by H. Education)

**Reps. Stapleton, Gardner, Brading, Harris, Taylor, Corbin, Terwilleger,
Olman, Mottley, Clancy, Jolivette, Opfer, Hartnett, Gerberry**

BILL SUMMARY

- Narrows the circumstances under which a student may transfer to another school district under the "well-being clause" by eliminating the option permitting a transfer "to deal with other extenuating circumstances" than the student's physical or mental well being.
- Requires the two school district superintendents who agree to a student's transfer under the well-being clause to stipulate in their written agreement that the transfer is not for the purpose of the student's participation in interscholastic athletics.
- Disqualifies from interscholastic athletics a student who transfers under the well-being clause more than once in any four school years.
- Disqualifies a student from participating in interscholastic athletics in a school district to which the student transferred through open enrollment or the payment of tuition, if the student has transferred districts through either of those methods more than twice in the preceding four school years.
- Imposes a 12-month waiting period to play interscholastic sports on other students who transfer from one school district to another through open enrollment or payment of tuition, unless the board of education of the school district from which the student is transferring adopts a resolution releasing the student's athletic participation.

CONTENT AND OPERATION

Current law

Under Ohio law, children generally are entitled to attend school without paying tuition only in the school district in which their parents reside. Unless they have adopted an open enrollment policy, districts generally may admit nonresident students to their schools only if the student pays tuition. But the law makes a number of exceptions to these general policies.

One of these exceptions, the "well-being clause," permits a student under age 21 to attend school without paying tuition in a school district other than the one in which his or her parents reside if:

(1) The superintendent of the district in which the student otherwise would attend school contacts the superintendent of the other school district regarding the student's attendance; and

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

Current law also requires that the student be allowed to participate in all student activities, including interscholastic athletics, at the school of attendance on the same basis as any student who has always attended that district.

The bill's narrowing of the well-being clause

(sec. 3313.64(F)(12))

The bill makes three changes to the well-being clause. First, it eliminates the exception allowing attendance in another school district for the purpose of dealing with other "extenuating circumstances deemed appropriate by the superintendents." As a result, nonresident attendance by agreement of the superintendents would be permitted only to protect the student's physical or mental well-being.

Second, it requires that the written agreement, which the two district superintendents must sign to consent to the transfer, specify that the purpose of the transfer is not for the student's participation in interscholastic athletics.

Third, it disqualifies from participating in interscholastic athletics any student who transfers under the well-being clause more than once in any four school years.

The bill's restrictions on athletics for open enrollment and tuition students

(sec. 3313.537)

The bill also restricts participation in interscholastic athletics for students who transfer districts several times either through open enrollment or by paying tuition. It states that a student who transfers districts through either method may transfer his or her participation in interscholastic sports only twice in four school years. It prohibits a school district from permitting any student admitted through open enrollment or payment of tuition to participate in interscholastic sports if the student, in the immediately preceding four school years, has participated in interscholastic athletics for the schools of two other school districts to which the student also transferred through open enrollment or tuition.

The bill states that this prohibition does not ever prohibit a student from transferring participation in interscholastic athletics to the student's "home" school district (that is, the district where the student is legally entitled to attend school free of charge). Moreover, it states that a student's participation in interscholastic athletics for the schools of his or her home district cannot be considered in determining whether the student has participated in interscholastic athletics in two school districts.

Waiting period if home district does not release student's athletic participation

When an open enrollment or tuition student transfers from another school district (rather than from a private school) and has not reached the two-transfer threshold, he or she is eligible to play sports for the new district. But the bill imposes a 12-month waiting period during which he or she cannot participate in interscholastic athletics, unless the board of education of the school district from which the student transferred adopts a resolution granting its release of the student to do so.

HISTORY

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