



John Rau

Bill Analysis
Legislative Service Commission

Am. Sub. H.B. 243
123rd General Assembly
(As Re-referred to 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.

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 school in that district.

The bill

(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.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-10-99	p. 286
Reported, H. Education	05-12-99	p. 645
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