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Bill Analysis
Legislative Service Commission

H.B. 630

126th General Assembly
(As Introduced)

Reps. Core, Gibbs, Chandler, Collier, Fessler, Fende, Brown, Hartnett, Seitz, Webster

BILL SUMMARY

- Requires the Department of Education, rather than the Juvenile Court, to determine the school district responsible for paying the cost of educating a child removed from the child's home or placed in the custody of a government agency or person other than the child's parent, or in a juvenile detention facility.

CONTENT AND OPERATION

Current law

Under Ohio law, when the Juvenile Court removes a child from his or her home or places that child in the custody of a government agency or person other than the child's parent, or in a juvenile detention facility,¹ the court must determine which school district is responsible for paying the cost of educating the child. When making this determination, the court must adhere to tuition payment guidelines (in the Education Law) that specify that tuition must be paid to the district that admits the child as follows (R.C. 2151.362(A)(1), 3313.64(C), and 3313.65(D)):²

¹ *If the child is placed in a juvenile detention facility, the court must determine the school district responsible for the child's educational costs based on the per capita cost of the educational facility within the juvenile detention facility (R.C. 2151.362(B)).*

² *Since the bill was introduced, Am. Sub. H.B. 137 of the 126th General Assembly renumbered R.C. 2151.357 to be R.C. 2151.362. The analysis uses the provision's current section number.*

1. If the child receives special education, by the school district of residence³ regardless of who has custody of the child or whether the child resides in a home;
2. By the district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;
3. If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;
4. If a school district cannot be established under #2 or #3, by the district as determined by the court at the time it vests custody of the child in the person or government agency;
5. If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the Juvenile Court; if the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed; if the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition must be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred; or, in the event of a disagreement as to which school district is liable for tuition, by the district the Superintendent of Public Instruction determines to be responsible for tuition;

³ "School district of residence" means (1) the school district in which the child's parents reside, (2) if the school district under (1) cannot be determined, the last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown, (3) if the school district under (2) cannot be determined, the school district determined by the court, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides. However, if a school district is required to pay tuition for a child whose parents are institutionalized or incarcerated, that district is the child's school district of residence. (R.C. 3323.01(I) and 3313.65.)

6. If the court has modified its order as to which district is responsible to bear the cost of educating the child, by the district determined to be responsible for that cost in the order so modified.

The court may modify an order designating which district is responsible for the cost of educating the child if the Department of Education (DOE) notifies the court that the parent's residence has changed since the initial order. If, based on the evidence, the DOE cannot determine the district responsible for education costs, the district in the initial order must continue paying the education costs for the child. (R.C. 2151.362(A)(2).)

The bill

The bill requires that the DOE, rather than the Juvenile Court, determine the school district responsible for paying the cost of educating a child removed from the child's home or placed in the custody of a government agency or person other than the child's parent, or in a juvenile detention facility. The bill also allows the DOE to modify its determination (R.C. 2151.357(A) and (B) and 3313.64(C)(2); conforming change in R.C. 3323.01).

HISTORY

ACTION	DATE
Introduced	07-11-06

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