



Ohio Legislative Service Commission

Bill Analysis

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H.B. 462

129th General Assembly
(As Introduced)

Reps. Pelanda, Boose, Garland, Pillich, Phillips, Hottinger, Milkovich, Blair, Stebelton, Yuko, J. Adams

BILL SUMMARY

- States that a juvenile court judge, in the event of a filed complaint alleging that a child is an abused, neglected, or dependent child, may order a school district board of education to release the grades, credits, and transcripts of that child to any district or school in which the child enrolls after the complaint is filed.
- Prohibits school district boards from withholding the grades, credits, transcripts, or diploma of a student for nonpayment of fees for instructional materials if a complaint has been filed at any time alleging that the child is, or if that child has been adjudicated as, an abused, neglected, or dependent child.
- Requires school districts to transfer such a student's grades, credits, or transcripts immediately upon a request from another school or school district in which the student enrolls or upon an order from a juvenile court judge.

CONTENT AND OPERATION

The bill authorizes a juvenile court judge, upon the filing in the judge's court of a complaint alleging that a child is an abused, neglected, or dependent child, to order the transfer of the child's academic records to the child's new school. Specifically, the judge may order the board of the school district in which the child was enrolled immediately prior to the complaint's filing to transfer the child's grades, credits, and transcripts to any district or school in which the child enrolls after the complaint is filed. The board must comply with the order immediately, even if there are unpaid fees or charges for the student.¹

The bill further restricts the authority of school districts to withhold academic records by prohibiting them from withholding, in response to nonpayment of fees for

¹ R.C. 2151.272 and 3313.642(D), second paragraph.

instructional materials, the grades, credits, transcripts, or diploma of any student (1) for whom a complaint has been filed in a juvenile court "at any time" alleging that the student is an abused, neglected, or dependent child, or (2) who has been adjudicated an abused, neglected, or dependent child. The bill's reference only to nonpayment of fees for instructional materials might indicate that districts could continue withholding records and diplomas for nonpayment of charges for loss of or damage to district property (see "**Background**" below). However, in a more general statement, the bill requires a school district to transfer the grades, records, and transcripts of such a student immediately upon receipt of a request for those records by another district or school in which the student has enrolled.²

Thus, a possible interpretation might be that the bill (1) outright prohibits a school district from withholding academic records requested by another school in which an alleged or adjudicated abused, neglected, or dependent child has enrolled, regardless of any unpaid fees or charges, (2) prohibits a district from withholding academic records and diplomas requested by a student or parent, if the student is an alleged or adjudicated abused, neglected, or dependent child and has unpaid fees for instructional materials, and (3) permits a school district to withhold academic records and diplomas requested by a student or parent, if the student has unpaid charges for lost or damaged property, such as fines for overdue library books or damaged equipment.

Background

Current law authorizes school districts to prescribe schedules of fees for (1) instructional materials (other than mandatory textbooks) and (2) the loss, damage, or destruction of school equipment, musical instruments, library materials, textbooks or electronic textbooks, or buildings. A district may enforce the fees by withholding the student's grades, credits, or transcripts. Districts may not charge low-income students eligible for a free lunch under federal meal program fees for most instructional materials.³

HISTORY

ACTION	DATE
Introduced	02-22-12

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² R.C. 3313.642(C) and (D).

³ R.C. 3313.642.

