



# Ohio Legislative Service Commission

## Final Analysis

Holly Cantrell Gilman

### H.B. 14

130th General Assembly  
(As Passed by the General Assembly)

- Reps.** Pelanda, Patmon, Cera, Derickson, Grossman, Ramos, McGregor, Terhar, Butler, Maag, Phillips, McClain, Thompson, J. Adams, Huffman, Stebelton, Antonio, Blair, Hackett, Lynch, Brenner, Amstutz, Anielski, Baker, Barborak, Barnes, Beck, Blessing, Boose, Brown, Buchy, Budish, Burkley, Carney, Celebrezze, Conditt, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Gerberry, Gonzales, Green, C. Hagan, Hall, Hayes, Hill, Hottinger, Johnson, Kunze, Letson, Mallory, Milkovich, O'Brien, Patterson, Pillich, Reece, Roegner, Rogers, Ruhl, Schuring, Sears, Slaby, Smith, Sprague, Strahorn, Wachtmann, Williams, Winburn, Batchelder
- Sens.** Bacon, Beagle, Brown, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Kearney, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Seitz, Smith, Tavares, Turner, Uecker

**Effective date:** October 11, 2013

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## ACT 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, official transcripts, IEPs, and 504 plans 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, official transcripts, IEPs, 504 plans, 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, official transcripts, IEPs, or 504 plans immediately upon a request from another school or school district in which the student enrolls or upon an order from a juvenile court judge.

- Permits a school district board to request from a juvenile court judge a copy of a child's custody or placement order, if the board has been ordered to transfer that child's records but specifies that the district may not withhold records pending receipt of that copy.
- Requires each school district board to annually report to the Department of Education the number of students for whom a transcript has been transferred and the amount of unpaid fees lost due to such records transfers.

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## CONTENT AND OPERATION

### Transfer of student records

The act 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, official transcripts, individualized education programs (IEP), and 504 plans to any district or school in which the child enrolls after the complaint is filed. A "504 plan" is a service plan for a student with a disability who has been evaluated in accordance with the federal Rehabilitation Act of 1973. (Such a student may or may not qualify for services under the federal Individuals with Disabilities Act (IDEA).)

The district board must comply with the order immediately, even if there are unpaid fees or charges for the student. The act authorizes a board to request a copy of any order regarding the child's custody or placement that has been issued due to the child's complaint filing. However, the act specifies that a board may not withhold the required records until the board receives a copy of the order. In other words, the board may not use receipt of a copy of an order as a prerequisite to transfer student records.<sup>1</sup>

The act further restricts the authority of school districts to withhold academic records by prohibiting them from withholding, in response to nonpayment of fees for instructional materials, the grades, credits, official transcripts, IEPs, or 504 plans 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 act's reference only to nonpayment of fees for instructional materials might indicate that districts could continue withholding records, IEPs, 504 plans, and diplomas for nonpayment of

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<sup>1</sup> R.C. 2151.272 and 3313.642(D), second paragraph.

charges for loss of or damage to district property (see "**Background**" below). However, in a more general statement, the act requires a school district to transfer the grades, records, official transcripts, IEPs, and 504 plans of such a student immediately upon receipt of a request for those records by another district or school in which the student has enrolled.<sup>2</sup>

## **Report**

The act requires each school district board to annually report to the Department of Education the number of students for whom the district board sends "transcripts" and the total amount of unpaid fees lost due to the act's required forbearance of fees.<sup>3</sup>

## **Background**

Continuing 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. Generally, a district may enforce the fees by withholding the student's grades, credits, or transcripts. In addition to the act's restrictions related to abused, neglected, or dependent children, districts may not charge low-income students eligible for a free lunch under federal meal program fees for most instructional materials.<sup>4</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	01-30-13
Reported, H. Education	05-02-13
Passed House (94-0)	05-08-13
Reported, S. Education	06-26-13
Passed Senate (32-0)	06-27-13

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<sup>2</sup> R.C. 3313.642(C) and (D).

<sup>3</sup> R.C. 3313.642(E).

<sup>4</sup> R.C. 3313.642.

