Ohio Legislative Service Commission

Bill Analysis

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H.B. 14

130th General Assembly
(As Introduced)

Reps. Pelanda, Patmon, Cera, Derickson, Grossman, Ramos, McGregor, Terhar, Butler, Maag, Phillips, McClain, Thompson, J. Adams, Huffman, Stebelton, Antonio, Blair, Hackett, Lynch

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, 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.

CONTENT AND OPERATION

Transfer of student records

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, 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 quality 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 bill 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 bill 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.[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 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 bill'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 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, 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.[2]

Thus, a possible interpretation might be that the bill (1) outright prohibits a school district from withholding academic records, IEPs, and 504 plans requested by

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

[2] R.C. 3313.642(C) and (D).

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 school district from withholding academic records, IEPs, 504 plans, 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, IEPs, 504 plans, 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.

Report

The bill 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 bill's required forbearance of fees. On the other hand, it does not specifically mention that the report contain the number of student grades, credits, official transcripts, diplomas, IEPs, or 504 plans transferred.[3]

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.[4]

HISTORY

ACTION	DATE
Introduced	01-30-13

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[3] R.C. 3313.642(E).

[4] R.C. 3313.642.