

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 634

Representatives Young, Kishman

To amend section 3313.64 and to enact section
3313.5321 of the Revised Code regarding
eligibility to participate in interscholastic
athletics.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3313.64 be amended and section
3313.5321 of the Revised Code be enacted to read as follows:

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Sec. 3313.5321. (A) As used in this section:

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(1) "Athletic regulatory organization" means an
interscholastic conference or organization that regulates
interscholastic conferences or events.

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(2) "Prior disciplinary action" means either of the
following issued prior to a student becoming a transfer student:

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(a) A suspension, expulsion, or removal under section
3313.66 or 3313.661 of the Revised Code;

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(b) A disciplinary action issued by an athletic regulatory
organization that limits, revokes, or otherwise restricts a
student's eligibility to participate in interscholastic
athletics for violating any of the organization's rules or
bylaws.

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(3) "Transfer student" means a student attending a school 20
under division (F) (12) of section 3313.64, section 3313.97, or 21
section 3313.98 of the Revised Code. 22

(B) Unless a student is subject to a prior disciplinary 23
action, no athletic regulatory organization shall penalize or 24
restrict the eligibility of a student to participate in 25
interscholastic athletics because the student is a transfer 26
student. Such student shall immediately be allowed to 27
participate in interscholastic athletics at the school the 28
student is attending on the same basis as any student who has 29
always attended the schools of that district. 30

Nothing in this division prohibits an athletic regulatory 31
organization from enforcing any eligibility rules that apply to 32
all students attending a school, including age, safety, and 33
academics requirements and limits on the quantity of seasons of 34
participation. 35

(C) In the case of a transfer student who is subject to a 36
prior disciplinary action and is attending a school under 37
division (F) (12) of section 3313.64 of the Revised Code or 38
section 3313.98 of the Revised Code, the superintendents of the 39
student's school district of residence and the school district 40
in which the student is attending school shall, within ten 41
business days of the approval of the student to attend the 42
school that is not operated by the student's district of 43
residence, issue a written decision on when the student will 44
become eligible to participate in interscholastic athletics, 45
taking into account the prior disciplinary action. The decision 46
shall not weaken, shorten, or override any ongoing suspension, 47
expulsion, or other disciplinary action. If the superintendents 48
fail to issue the decision within ten business days, the student 49

becomes immediately eligible to participate in interscholastic 50
athletics. 51

(D) In the case of a transfer student who is subject to a 52
prior disciplinary action and is attending school under section 53
3313.97 of the Revised Code, the district superintendent shall, 54
within ten business days of the approval of the student to 55
attend an alternative school under that section, issue a written 56
decision on when the student will become eligible to participate 57
in interscholastic athletics, taking into account the prior 58
disciplinary action. The decision shall not weaken, shorten, or 59
override any ongoing suspension, expulsion, or other 60
disciplinary action. If the superintendent fails to issue the 61
decision within ten business days, the student becomes 62
immediately eligible to participate in interscholastic 63
athletics. 64

Sec. 3313.64. (A) As used in this section and in section 65
3313.65 of the Revised Code: 66

(1) (a) Except as provided in division (A) (1) (b) of this 67
section, "parent" means either parent, unless the parents are 68
separated or divorced or their marriage has been dissolved or 69
annulled, in which case "parent" means the parent who is the 70
residential parent and legal custodian of the child. When a 71
child is in the legal custody of a government agency or a person 72
other than the child's natural or adoptive parent, "parent" 73
means the parent with residual parental rights, privileges, and 74
responsibilities. When a child is in the permanent custody of a 75
government agency or a person other than the child's natural or 76
adoptive parent, "parent" means the parent who was divested of 77
parental rights and responsibilities for the care of the child 78
and the right to have the child live with the parent and be the 79

legal custodian of the child and all residual parental rights, 80
privileges, and responsibilities. 81

(b) When a child is the subject of a power of attorney 82
executed under sections 3109.51 to 3109.62 of the Revised Code, 83
"parent" means the grandparent designated as attorney in fact 84
under the power of attorney. When a child is the subject of a 85
caretaker authorization affidavit executed under sections 86
3109.64 to 3109.73 of the Revised Code, "parent" means the 87
grandparent that executed the affidavit. 88

(2) "Legal custody," "permanent custody," and "residual 89
parental rights, privileges, and responsibilities" have the same 90
meanings as in section 2151.011 of the Revised Code. 91

(3) "School district" or "district" means a city, local, 92
or exempted village school district and excludes any school 93
operated in an institution maintained by the department of youth 94
services. 95

(4) Except as used in division (C)(2) of this section, 96
"home" means a home, institution, foster home, group home, or 97
other residential facility in this state that receives and cares 98
for children, to which any of the following applies: 99

(a) The home is licensed, certified, or approved for such 100
purpose by the state or is maintained by the department of youth 101
services. 102

(b) The home is operated by a person who is licensed, 103
certified, or approved by the state to operate the home for such 104
purpose. 105

(c) The home accepted the child through a placement by a 106
person licensed, certified, or approved to place a child in such 107
a home by the state. 108

(d) The home is a children's home created under section 109
5153.21 or 5153.36 of the Revised Code. 110

(5) "Agency" means all of the following: 111

(a) A public children services agency; 112

(b) An organization that holds a certificate issued by the 113
department of children and youth in accordance with the 114
requirements of section 5103.03 of the Revised Code and assumes 115
temporary or permanent custody of children through commitment, 116
agreement, or surrender, and places children in family homes for 117
the purpose of adoption; 118

(c) Comparable agencies of other states or countries that 119
have complied with applicable requirements of section 2151.39 of 120
the Revised Code or as applicable, sections 5103.20 to 5103.22 121
or 5103.23 to 5103.237 of the Revised Code. 122

(6) A child is placed for adoption if either of the 123
following occurs: 124

(a) An agency to which the child has been permanently 125
committed or surrendered enters into an agreement with a person 126
pursuant to section 5103.16 of the Revised Code for the care and 127
adoption of the child. 128

(b) The child's natural parent places the child pursuant 129
to section 5103.16 of the Revised Code with a person who will 130
care for and adopt the child. 131

(7) "Preschool child with a disability" has the same 132
meaning as in section 3323.01 of the Revised Code. 133

(8) "Child," unless otherwise indicated, includes 134
preschool children with disabilities. 135

(9) "Active duty" means active duty pursuant to an 136
executive order of the president of the United States, an act of 137
the congress of the United States, or section 5919.29 or 5923.21 138
of the Revised Code. 139

(B) Except as otherwise provided in section 3321.01 of the 140
Revised Code for admittance to kindergarten and first grade, a 141
child who is at least five but under twenty-two years of age and 142
any preschool child with a disability shall be admitted to 143
school as provided in this division. 144

(1) A child shall be admitted to the schools of the school 145
district in which the child's parent resides. 146

(2) Except as provided in division (B) (4) of this section 147
or division (B) of section 2151.362 and section 3317.30 of the 148
Revised Code, a child who does not reside in the district where 149
the child's parent resides shall be admitted to the schools of 150
the district in which the child resides if any of the following 151
applies: 152

(a) The child is in the legal or permanent custody of a 153
government agency or a person other than the child's natural or 154
adoptive parent. 155

(b) The child resides in a home. 156

(c) The child requires special education. 157

(3) A child who is not entitled under division (B) (2) of 158
this section to be admitted to the schools of the district where 159
the child resides and who is residing with a resident of this 160
state with whom the child has been placed for adoption shall be 161
admitted to the schools of the district where the child resides 162
unless either of the following applies: 163

(a) The placement for adoption has been terminated. 164

(b) Another school district is required to admit the child 165
under division (B) (1) of this section. 166

(4) (a) A child who does not reside in the district where 167
the child's parent resides is not required to be admitted to the 168
schools of the district in which the child resides if both of 169
the following apply: 170

(i) The child resides in a home, or in a facility 171
similarly licensed in another state, and the child was placed in 172
the home or facility by the child's parent in consultation with, 173
and upon the recommendation of, the Ohio resilience through 174
integrated systems and excellence program for children and youth 175
involved in multiple state systems. 176

(ii) The home provides education services that meet the 177
minimum education standards under division (D) (2) of section 178
3301.07 of the Revised Code or, in the case of a facility 179
located in another state, meets substantially similar 180
requirements of the jurisdiction where the facility is located, 181
except that the home or facility may provide the child with less 182
than the minimum number of instructional hours required only as 183
necessary to accommodate the child's treatment program. 184

(b) Upon a child's admission to a home pursuant to 185
division (B) (4) (a) of this section, the home shall notify the 186
district where the child's parent resides and the district where 187
the home is located that the home is providing educational 188
services to the child until the child is discharged. Upon a 189
child's admission to a facility located in another state 190
pursuant to division (B) (4) (a) of this section, the facility 191
shall notify the district where the child's parent resides that 192

the facility is providing educational services to the child 193
until the child is discharged. In either case, the district 194
where the child's parent resides shall continue to enroll the 195
student as provided in division (C) (5) of this section and shall 196
excuse the child from attendance until the child is discharged 197
from the home or facility. 198

(c) Upon a child's discharge from a home or facility, the 199
home or facility shall notify the district where the child's 200
parent resides. The home or facility and the district shall 201
collaborate on a supportive reentry plan into school for the 202
child. 203

Division (B) of this section does not prohibit the board 204
of education of a school district from placing a child with a 205
disability who resides in the district in a special education 206
program outside of the district or its schools in compliance 207
with Chapter 3323. of the Revised Code. 208

(C) A district shall not charge tuition for children 209
admitted under division (B) (1) or (3) of this section. If the 210
district admits a child under division (B) (2) of this section, 211
tuition shall be paid to the district that admits the child as 212
provided in divisions (C) (1) to (3) of this section, unless 213
division (C) (4) of this section applies to the child: 214

(1) If the child receives special education in accordance 215
with Chapter 3323. of the Revised Code, the school district of 216
residence, as defined in section 3323.01 of the Revised Code, 217
shall pay tuition for the child in accordance with section 218
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 219
regardless of who has custody of the child or whether the child 220
resides in a home. 221

(2) For a child that does not receive special education in 222
accordance with Chapter 3323. of the Revised Code, except as 223
otherwise provided in division (C)(2)(d) of this section, if the 224
child is in the permanent or legal custody of a government 225
agency or person other than the child's parent, tuition shall be 226
paid by: 227

(a) The district in which the child's parent resided at 228
the time the court removed the child from home or at the time 229
the court vested legal or permanent custody of the child in the 230
person or government agency, whichever occurred first; 231

(b) If the parent's residence at the time the court 232
removed the child from home or placed the child in the legal or 233
permanent custody of the person or government agency is unknown, 234
tuition shall be paid by the district in which the child resided 235
at the time the child was removed from home or placed in legal 236
or permanent custody, whichever occurred first; 237

(c) If a school district cannot be established under 238
division (C)(2)(a) or (b) of this section, tuition shall be paid 239
by the district determined as required by section 2151.362 of 240
the Revised Code by the court at the time it vests custody of 241
the child in the person or government agency; 242

(d) If at the time the court removed the child from home 243
or vested legal or permanent custody of the child in the person 244
or government agency, whichever occurred first, one parent was 245
in a residential or correctional facility or a juvenile 246
residential placement and the other parent, if living and not in 247
such a facility or placement, was not known to reside in this 248
state, tuition shall be paid by the district determined under 249
division (D) of section 3313.65 of the Revised Code as the 250
district required to pay any tuition while the parent was in 251

such facility or placement; 252

(e) If the department of education and workforce has 253
determined, pursuant to division (A) (2) of section 2151.362 of 254
the Revised Code, that a school district other than the one 255
named in the court's initial order, or in a prior determination 256
of the department, is responsible to bear the cost of educating 257
the child, the district so determined shall be responsible for 258
that cost. 259

(3) If the child is not in the permanent or legal custody 260
of a government agency or person other than the child's parent 261
and the child resides in a home, tuition shall be paid by one of 262
the following: 263

(a) The school district in which the child's parent 264
resides; 265

(b) If the child's parent is not a resident of this state, 266
the home in which the child resides. 267

(4) Division (C) (4) of this section applies to any child 268
who is admitted to a school district under division (B) (2) of 269
this section, resides in a home that is not a foster home, a 270
home maintained by the department of youth services, a detention 271
facility established under section 2152.41 of the Revised Code, 272
or a juvenile facility established under section 2151.65 of the 273
Revised Code, and receives educational services at the home or 274
facility in which the child resides pursuant to a contract 275
between the home or facility and the school district providing 276
those services. 277

If a child to whom division (C) (4) of this section applies 278
is a special education student, a district may choose whether to 279
receive a tuition payment for that child under division (C) (4) 280

of this section or to receive a payment for that child under 281
section 3323.14 of the Revised Code. If a district chooses to 282
receive a payment for that child under section 3323.14 of the 283
Revised Code, it shall not receive a tuition payment for that 284
child under division (C) (4) of this section. 285

If a child to whom division (C) (4) of this section applies 286
is not a special education student, a district shall receive a 287
tuition payment for that child under division (C) (4) of this 288
section. 289

In the case of a child to which division (C) (4) of this 290
section applies, the total educational cost to be paid for the 291
child shall be determined by a formula approved by the 292
department of education and workforce, which formula shall be 293
designed to calculate a per diem cost for the educational 294
services provided to the child for each day the child is served 295
and shall reflect the total actual cost incurred in providing 296
those services. The department shall certify the total 297
educational cost to be paid for the child to both the school 298
district providing the educational services and, if different, 299
the school district that is responsible to pay tuition for the 300
child. The department shall deduct the certified amount from the 301
state basic aid funds payable under Chapter 3317. of the Revised 302
Code to the district responsible to pay tuition and shall pay 303
that amount to the district providing the educational services 304
to the child. 305

(5) In the case of a child to whom division (B) (4) of this 306
section applies, and except as otherwise provided in division 307
(C) (5) (f) of this section, tuition shall be paid to the home or 308
facility for educational services provided to the child by the 309
school district in which the child's parent resides according to 310

the following: 311

(a) The total educational cost to be paid for the child 312
shall be determined by a formula approved by the department of 313
education and workforce. The department shall design the formula 314
to calculate a per diem cost for the educational services 315
provided to the child for each day the child is served and shall 316
reflect the total actual cost incurred in providing those 317
services. The department shall certify the total educational 318
cost to be paid for the child to both the home or facility 319
providing the educational services and the district that is 320
responsible to pay the tuition for the child. The department 321
shall deduct the certified amount from the state basic aid funds 322
payable under Chapter 3317. of the Revised Code to the district 323
responsible to pay tuition and shall pay that amount to the home 324
or facility providing the educational services to the child. 325

(b) The district responsible to pay tuition shall continue 326
to report the child in its enrollment for purposes of section 327
3317.03 of the Revised Code. 328

(c) If the parent's residence changes to a different 329
school district while the child resides in the home or facility, 330
the department of education and workforce may re-determine the 331
school district responsible for tuition based on evidence 332
provided by the district currently responsible for tuition. 333

(d) Upon a child's discharge from the home or facility, 334
the home or facility shall immediately notify the district where 335
the child's parent resides and the department of education and 336
workforce. The notification shall include a certified transcript 337
of all coursework completed by the child while residing in the 338
home or facility. The district where the child's parent resides 339
shall accept all coursework completed by the child while in the 340

home or facility and shall award credit for that coursework in 341
accordance with district policy. 342

(e) Following discharge from the home or facility and 343
return to the parent's residence, high school students shall 344
meet requirements under section 3313.618 of the Revised Code in 345
order to qualify for a high school diploma that are no more 346
stringent than those that apply to students who enroll into an 347
Ohio public or chartered nonpublic high school after receiving a 348
home education under section 3321.042 of the Revised Code. 349

(f) If the child is provided educational services by a 350
chartered nonpublic school while residing in a home and the 351
child has been awarded a scholarship under a state scholarship 352
program, as defined in section 3301.0711 of the Revised Code, no 353
school district shall be responsible for paying tuition under 354
division (C) (5) of this section. 355

(D) Tuition required to be paid under divisions (C) (2) and 356
(3) (a) of this section shall be computed in accordance with 357
section 3317.08 of the Revised Code. Tuition required to be paid 358
under division (C) (3) (b) of this section shall be computed in 359
accordance with section 3317.081 of the Revised Code. If a home 360
fails to pay the tuition required by division (C) (3) (b) of this 361
section, the board of education providing the education may 362
recover in a civil action the tuition and the expenses incurred 363
in prosecuting the action, including court costs and reasonable 364
attorney's fees. If the prosecuting attorney or city director of 365
law represents the board in such action, costs and reasonable 366
attorney's fees awarded by the court, based upon the prosecuting 367
attorney's, director's, or one of their designee's time spent 368
preparing and presenting the case, shall be deposited in the 369
county or city general fund. 370

(E) A board of education may enroll a child free of any 371
tuition obligation for a period not to exceed sixty days, on the 372
sworn statement of an adult resident of the district that the 373
resident has initiated legal proceedings for custody of the 374
child. 375

(F) In the case of any individual entitled to attend 376
school under this division, no tuition shall be charged by the 377
school district of attendance and no other school district shall 378
be required to pay tuition for the individual's attendance. 379
Notwithstanding division (B), (C), or (E) of this section: 380

(1) All persons at least eighteen but under twenty-two 381
years of age who live apart from their parents, support 382
themselves by their own labor, and have not successfully 383
completed the high school curriculum or the individualized 384
education program developed for the person by the high school 385
pursuant to section 3323.08 of the Revised Code, are entitled to 386
attend school in the district in which they reside. 387

(2) Any child under eighteen years of age who is married 388
is entitled to attend school in the child's district of 389
residence. 390

(3) A child is entitled to attend school in the district 391
in which either of the child's parents is employed if the child 392
has a medical condition that may require emergency medical 393
attention. The parent of a child entitled to attend school under 394
division (F)(3) of this section shall submit to the board of 395
education of the district in which the parent is employed a 396
statement from the child's physician, certified nurse-midwife, 397
clinical nurse specialist, or certified nurse practitioner 398
certifying that the child's medical condition may require 399
emergency medical attention. The statement shall be supported by 400

such other evidence as the board may require. 401

(4) Any child residing with a person other than the 402
child's parent is entitled, for a period not to exceed twelve 403
months, to attend school in the district in which that person 404
resides if the child's parent files an affidavit with the 405
superintendent of the district in which the person with whom the 406
child is living resides stating all of the following: 407

(a) That the parent is serving outside of the state in the 408
armed services of the United States; 409

(b) That the parent intends to reside in the district upon 410
returning to this state; 411

(c) The name and address of the person with whom the child 412
is living while the parent is outside the state. 413

(5) Any child under the age of twenty-two years who, after 414
the death of a parent, resides in a school district other than 415
the district in which the child attended school at the time of 416
the parent's death is entitled to continue to attend school in 417
the district in which the child attended school at the time of 418
the parent's death for the remainder of the school year, subject 419
to approval of that district board. 420

(6) A child under the age of twenty-two years who resides 421
with a parent who is having a new house built in a school 422
district outside the district where the parent is residing is 423
entitled to attend school for a period of time in the district 424
where the new house is being built. In order to be entitled to 425
such attendance, the parent shall provide the district 426
superintendent with the following: 427

(a) A sworn statement explaining the situation, revealing 428
the location of the house being built, and stating the parent's 429

intention to reside there upon its completion; 430

(b) A statement from the builder confirming that a new 431
house is being built for the parent and that the house is at the 432
location indicated in the parent's statement. 433

(7) A child under the age of twenty-two years residing 434
with a parent who has a contract to purchase a house in a school 435
district outside the district where the parent is residing and 436
who is waiting upon the date of closing of the mortgage loan for 437
the purchase of such house is entitled to attend school for a 438
period of time in the district where the house is being 439
purchased. In order to be entitled to such attendance, the 440
parent shall provide the district superintendent with the 441
following: 442

(a) A sworn statement explaining the situation, revealing 443
the location of the house being purchased, and stating the 444
parent's intent to reside there; 445

(b) A statement from a real estate broker or bank officer 446
confirming that the parent has a contract to purchase the house, 447
that the parent is waiting upon the date of closing of the 448
mortgage loan, and that the house is at the location indicated 449
in the parent's statement. 450

The district superintendent shall establish a period of 451
time not to exceed ninety days during which the child entitled 452
to attend school under division (F) (6) or (7) of this section 453
may attend without tuition obligation. A student attending a 454
school under division (F) (6) or (7) of this section shall be 455
eligible to participate in interscholastic athletics under the 456
auspices of that school, provided the board of education of the 457
school district where the student's parent resides, by a formal 458

action, releases the student to participate in interscholastic 459
athletics at the school where the student is attending, and 460
provided the student receives any authorization required by a 461
public agency or private organization of which the school 462
district is a member exercising authority over interscholastic 463
sports. 464

(8) A child whose parent is a full-time employee of a 465
city, local, or exempted village school district, or of an 466
educational service center, may be admitted to the schools of 467
the district where the child's parent is employed, or in the 468
case of a child whose parent is employed by an educational 469
service center, in the district that serves the location where 470
the parent's job is primarily located, provided the district 471
board of education establishes such an admission policy by 472
resolution adopted by a majority of its members. Any such policy 473
shall take effect on the first day of the school year and the 474
effective date of any amendment or repeal may not be prior to 475
the first day of the subsequent school year. The policy shall be 476
uniformly applied to all such children and shall provide for the 477
admission of any such child upon request of the parent. No child 478
may be admitted under this policy after the first day of classes 479
of any school year. 480

(9) A child who is with the child's parent under the care 481
of a shelter for victims of domestic violence, as defined in 482
section 3113.33 of the Revised Code, is entitled to attend 483
school free in the district in which the child is with the 484
child's parent, and no other school district shall be required 485
to pay tuition for the child's attendance in that school 486
district. 487

The enrollment of a child in a school district under this 488

division shall not be denied due to a delay in the school 489
district's receipt of any records required under section 490
3313.672 of the Revised Code or any other records required for 491
enrollment. Any days of attendance and any credits earned by a 492
child while enrolled in a school district under this division 493
shall be transferred to and accepted by any school district in 494
which the child subsequently enrolls. The department of 495
education and workforce shall adopt rules to ensure compliance 496
with this division. 497

(10) Any child under the age of twenty-two years whose 498
parent has moved out of the school district after the 499
commencement of classes in the child's senior year of high 500
school is entitled, subject to the approval of that district 501
board, to attend school in the district in which the child 502
attended school at the time of the parental move for the 503
remainder of the school year and for one additional semester or 504
equivalent term. A district board may also adopt a policy 505
specifying extenuating circumstances under which a student may 506
continue to attend school under division (F)(10) of this section 507
for an additional period of time in order to successfully 508
complete the high school curriculum for the individualized 509
education program developed for the student by the high school 510
pursuant to section 3323.08 of the Revised Code. 511

(11) As used in this division, "grandparent" means a 512
parent of a parent of a child. A child under the age of twenty- 513
two years who is in the custody of the child's parent, resides 514
with a grandparent, and does not require special education is 515
entitled to attend the schools of the district in which the 516
child's grandparent resides, provided that, prior to such 517
attendance in any school year, the board of education of the 518
school district in which the child's grandparent resides and the 519

board of education of the school district in which the child's 520
parent resides enter into a written agreement specifying that 521
good cause exists for such attendance, describing the nature of 522
this good cause, and consenting to such attendance. 523

In lieu of a consent form signed by a parent, a board of 524
education may request the grandparent of a child attending 525
school in the district in which the grandparent resides pursuant 526
to division (F) (11) of this section to complete any consent form 527
required by the district, including any authorization required 528
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 529
Revised Code. Upon request, the grandparent shall complete any 530
consent form required by the district. A school district shall 531
not incur any liability solely because of its receipt of a 532
consent form from a grandparent in lieu of a parent. 533

Division (F) (11) of this section does not create, and 534
shall not be construed as creating, a new cause of action or 535
substantive legal right against a school district, a member of a 536
board of education, or an employee of a school district. This 537
section does not affect, and shall not be construed as 538
affecting, any immunities from defenses to tort liability 539
created or recognized by Chapter 2744. of the Revised Code for a 540
school district, member, or employee. 541

(12) A child under the age of twenty-two years is entitled 542
to attend school in a school district other than the district in 543
which the child is entitled to attend school under division (B), 544
(C), or (E) of this section provided that, prior to such 545
attendance in any school year, both of the following occur: 546

(a) The superintendent of the district in which the child 547
is entitled to attend school under division (B), (C), or (E) of 548
this section contacts the superintendent of another district for 549

purposes of this division; 550

(b) The superintendents of both districts enter into a 551
written agreement that consents to the attendance and specifies 552
that the purpose of such attendance is to protect the student's 553
physical or mental well-being or to deal with other extenuating 554
circumstances deemed appropriate by the superintendents. 555

While an agreement is in effect under this division for a 556
student who is not receiving special education under Chapter 557
3323. of the Revised Code and notwithstanding Chapter 3327. of 558
the Revised Code, the board of education of neither school 559
district involved in the agreement is required to provide 560
transportation for the student to and from the school where the 561
student attends. 562

A student attending a school of a district pursuant to 563
this division shall be allowed to participate in all student 564
activities, ~~including interscholastic athletics,~~ at the school 565
where the student is attending on the same basis as any student 566
who has always attended the schools of that district while of 567
compulsory school age. Eligibility for such student to 568
participate in interscholastic athletics shall be determined 569
under section 3313.5321 of the Revised Code. 570

(13) All school districts shall comply with the "McKinney- 571
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 572
the education of homeless children. Each city, local, and 573
exempted village school district shall comply with the 574
requirements of that act governing the provision of a free, 575
appropriate public education, including public preschool, to 576
each homeless child. 577

When a child loses permanent housing and becomes a 578

homeless person, as defined in 42 U.S.C.A. 11481(5), or when a
child who is such a homeless person changes temporary living
arrangements, the child's parent or guardian shall have the
option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42
U.S.C.A. 11432(g) (3) (C);

(b) The school that is operated by the school district in
which the shelter where the child currently resides is located
and that serves the geographic area in which the shelter is
located.

(14) A child under the age of twenty-two years who resides
with a person other than the child's parent is entitled to
attend school in the school district in which that person
resides if both of the following apply:

(a) That person has been appointed, through a military
power of attorney executed under section 574(a) of the "National
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674
(1993), 10 U.S.C. 1044b, or through a comparable document
necessary to complete a family care plan, as the parent's agent
for the care, custody, and control of the child while the parent
is on active duty as a member of the national guard or a reserve
unit of the armed forces of the United States or because the
parent is a member of the armed forces of the United States and
is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document
includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which
the parent's agent under the military power of attorney or
comparable document resides applies until the end of the school

year in which the military power of attorney or comparable 608
document expires. 609

(G) A board of education, after approving admission, may 610
waive tuition for students who will temporarily reside in the 611
district and who are either of the following: 612

(1) Residents or domiciliaries of a foreign nation who 613
request admission as foreign exchange students; 614

(2) Residents or domiciliaries of the United States but 615
not of Ohio who request admission as participants in an exchange 616
program operated by a student exchange organization. 617

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 618
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 619
attend school or participate in a special education program in a 620
school district other than in the district where the child is 621
entitled to attend school under division (B) of this section. 622

(I) (1) Notwithstanding anything to the contrary in this 623
section or section 3313.65 of the Revised Code, a child under 624
twenty-two years of age may attend school in the school district 625
in which the child, at the end of the first full week of October 626
of the school year, was entitled to attend school as otherwise 627
provided under this section or section 3313.65 of the Revised 628
Code, if at that time the child was enrolled in the schools of 629
the district but since that time the child or the child's parent 630
has relocated to a new address located outside of that school 631
district and within the same county as the child's or parent's 632
address immediately prior to the relocation. The child may 633
continue to attend school in the district, and at the school to 634
which the child was assigned at the end of the first full week 635
of October of the current school year, for the balance of the 636

school year. Division (I) (1) of this section applies only if 637
both of the following conditions are satisfied: 638

(a) The board of education of the school district in which 639
the child was entitled to attend school at the end of the first 640
full week in October and of the district to which the child or 641
child's parent has relocated each has adopted a policy to enroll 642
children described in division (I) (1) of this section. 643

(b) The child's parent provides written notification of 644
the relocation outside of the school district to the 645
superintendent of each of the two school districts. 646

(2) At the beginning of the school year following the 647
school year in which the child or the child's parent relocated 648
outside of the school district as described in division (I) (1) 649
of this section, the child is not entitled to attend school in 650
the school district under that division. 651

(3) Any person or entity owing tuition to the school 652
district on behalf of the child at the end of the first full 653
week in October, as provided in division (C) of this section, 654
shall continue to owe such tuition to the district for the 655
child's attendance under division (I) (1) of this section for the 656
lesser of the balance of the school year or the balance of the 657
time that the child attends school in the district under 658
division (I) (1) of this section. 659

(4) A pupil who may attend school in the district under 660
division (I) (1) of this section shall be entitled to 661
transportation services pursuant to an agreement between the 662
district and the district in which the child or child's parent 663
has relocated unless the districts have not entered into such 664
agreement, in which case the child shall be entitled to 665

transportation services in the same manner as a pupil attending 666
school in the district under interdistrict open enrollment as 667
described in division (E) of section 3313.981 of the Revised 668
Code, regardless of whether the district has adopted an open 669
enrollment policy as described in division (B) (1) (b) or (c) of 670
section 3313.98 of the Revised Code. 671

(J) This division does not apply to a child receiving 672
special education. 673

A school district required to pay tuition pursuant to 674
division (C) (2) or (3) of this section or section 3313.65 of the 675
Revised Code shall have an amount deducted under division (C) of 676
section 3317.023 of the Revised Code equal to its own tuition 677
rate for the same period of attendance. A school district 678
entitled to receive tuition pursuant to division (C) (2) or (3) 679
of this section or section 3313.65 of the Revised Code shall 680
have an amount credited under division (C) of section 3317.023 681
of the Revised Code equal to its own tuition rate for the same 682
period of attendance. If the tuition rate credited to the 683
district of attendance exceeds the rate deducted from the 684
district required to pay tuition, the department of education 685
and workforce shall pay the district of attendance the 686
difference from amounts deducted from all districts' payments 687
under division (C) of section 3317.023 of the Revised Code but 688
not credited to other school districts under such division and 689
from appropriations made for such purpose. The treasurer of each 690
school district shall, by the fifteenth day of January and July, 691
furnish the director of education and workforce a report of the 692
names of each child who attended the district's schools under 693
divisions (C) (2) and (3) of this section or section 3313.65 of 694
the Revised Code during the preceding six calendar months, the 695
duration of the attendance of those children, the school 696

district responsible for tuition on behalf of the child, and any 697
other information that the director requires. 698

Upon receipt of the report the director, pursuant to 699
division (C) of section 3317.023 of the Revised Code, shall 700
deduct each district's tuition obligations under divisions (C) 701
(2) and (3) of this section or section 3313.65 of the Revised 702
Code and pay to the district of attendance that amount plus any 703
amount required to be paid by the state. 704

(K) In the event of a disagreement, the director of 705
education and workforce shall determine the school district in 706
which the parent resides. 707

(L) Nothing in this section requires or authorizes, or 708
shall be construed to require or authorize, the admission to a 709
public school in this state of a pupil who has been permanently 710
excluded from public school attendance by the director pursuant 711
to sections 3301.121 and 3313.662 of the Revised Code. 712

(M) In accordance with division (B)(1) of this section, a 713
child whose parent is a member of the national guard or a 714
reserve unit of the armed forces of the United States and is 715
called to active duty, or a child whose parent is a member of 716
the armed forces of the United States and is ordered to a 717
temporary duty assignment outside of the district, may continue 718
to attend school in the district in which the child's parent 719
lived before being called to active duty or ordered to a 720
temporary duty assignment outside of the district, as long as 721
the child's parent continues to be a resident of that district, 722
and regardless of where the child lives as a result of the 723
parent's active duty status or temporary duty assignment. 724
However, the district is not responsible for providing 725
transportation for the child if the child lives outside of the 726

district as a result of the parent's active duty status or	727
temporary duty assignment.	728
Section 2. That existing section 3313.64 of the Revised	729
Code is hereby repealed.	730