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H.B. 493
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Wiggam

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SUMMARY

- Permits a child whose parents live in different school districts to continue to attend school in the district in which the child attended school at the beginning of the school year even if the child moves to a different district to reside with the child's other parent or legal custodian.

DETAILED ANALYSIS

School district where a child is entitled to attend school

The bill permits a child to continue to attend school in the school district in which the child attended school at the beginning of the school year even if the child moves to a different district if all of the following conditions are satisfied:

1. The child is under 22 years of age;
2. The child's parents, as of the first day of a school year, reside in different school districts; and
3. The child relocated outside of the district in which the child attended school at the beginning of the school year to reside with the child's other parent or with the child's legal custodian.

Additionally, it specifies that the child may continue to attend school in the district, and at the school to which the child was assigned as of the first day of the school year, for the balance of that school year.¹

¹ R.C. 3313.64(N).

This provision applies regardless of anything to the contrary in a shared parenting agreement concerning the child's school placement² or in the Revised Code regarding the school district in which a child is entitled to attend school.³

Background – continuing law on where a child may be entitled to attend school

Continuing law entitles each person who resides in the state and who is between 5 and 22 years old to attend school free of tuition in the school district in which the person's parent resides or, in some cases, in the district in which the person resides, if different from that of the parent. Those exceptions include when a child is placed in a residential facility or requires special education from another district, or the child's only parent residing in Ohio is either institutionalized or imprisoned. In these cases, however, another school district or other entity usually must pay tuition to the accepting school district on behalf of the child.

In other cases, continuing law permits certain individuals who are not otherwise entitled to attend school in a particular school district to do so without anyone owing tuition. For example, any child under 18 years old who is married is entitled to attend school in the child's district of residence regardless of where the parent resides. Or, in another instance, a child may conditionally attend school in the resident district of adoptive parents prior to the completion of the child's adoption. In all, there are 14 tuition-free exceptions.⁴

HISTORY

Action	Date
Introduced	02-04-20

H0493-I-133/ts

² R.C. 3109.04, not in the bill.

³ R.C. 3313.64(N)(2).

⁴ R.C. 3313.64(B), (C), (E), and (F) and 3313.65, latter section not in the bill.