

Tuition Disputes and Open Enrollment

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Introduction

General Rule – Enrollment and Tuition

- **Rule:** All school aged children are entitled to attend the public schools of the district of their residence without charge to student. (R.C. 3313.64)

General Enrollment Rule - Definitions

- **School Age:**
 - Nondisabled – ages 5-22
 - Disabled – ages 3-22
- **District of Residence:** District where the child's parent resides
 - To determine school district for a certain address, see http://tax.ohio.gov/online_services/thefinder.stm
- **Parent:** Natural or adoptive parent

Children Not Living with Parents

- **Enrollment Rule:** Children must be admitted to the schools of the district in which the child resides. (R.C. 3313.64(B)(2))
- **Tuition Rule:** Tuition shall be paid to the district of attendance by the district where parent lives or was last known to have lived. (R.C. 3313.64)
 - **Determination:** At time of order removing child or granting custody to someone other than the child's parent, the court shall determine the school district responsible for education costs. (R.C. 2151.362(A)(1))

Children Not Living with Parents – Tuition (cont.)

- **Student not receiving special education:** District where the parents resided when the court initially removed the child or granted custody to the custodian or governmental agency pays tuition. (R.C. 3313.64(C))
- **Student receives special education:** District where parents reside or are last known to have resided pays tuition. (R.C. 3313.64(C))

Children Not Living with Parents – Tuition (cont.)

- **Student lives in home:** District where parents reside pays tuition. If parents live outside of Ohio, home in which the child resides pays tuition. (R.C. 3313.64(D))
- **Incarcerated parent:** Residence of parent at time sentence was imposed pays tuition. (R.C. 3313.65)

Interstate Compact on the Placement of Children

- **Court Places Student Outside (or Inside) of Ohio:** If a court places a student in a state that has also adopted the Interstate Compact on the Placement of Children, district of residence may be responsible for tuition costs. (R.C. 5103.20)

Change of Parents' Residence

- **Submit Form SF-DRC - Request to Change School District Responsible for Payment of Tuition with ODE (R.C. 2151.362(A)(2))**
 - **Requirement:** Two proofs of current residence not older than 60 days.
 - **Acceptable Proofs:** Voter registration card, utility bill, real estate tax bill, bank statement, rent receipt, parent affirmation, USPS return receipt, Job & Family Services written confirmation or law enforcement written confirmation.

Tracking

- **Request Information from Guardian/Foster Students Placed in Your District Upon Enrollment** (See Enrollment Data form)
- **Independent Research Regarding Parent's Residence**
 - Common Pleas Civil or Criminal Docket
 - Google
 - Facebook
 - www.411.com
 - www.whitepages.com
 - www.usa-people-search.com
 - www.zabasearch.com
 - Utility companies
 - Rental companies
- **Private Investigator**

Tuition Disputes Between School Districts

- **Incorrect Journal Entry:** District should submit judicial appeal or work with county prosecutor's office
- **School District not following Journal Entry:** ODE regional office may help resolve

OPEN ENROLLMENT

Open Enrollment – Options

- Prohibit open enrollment
- Allow open enrollment from all adjacent districts
- Allow open enrollment from any Ohio district
(R.C. 3313.98(B)(1))

Open Enrollment - Transportation

- A district receiving open enrollment student is only required to provide transportation from a bus stop within the district (R.C. 3313.981(H))
 - **Exceptions:**
 - Special education student receiving transportation in accordance with his/her IEP.
 - Parents whose income falls below the federal poverty level may be reimbursed for reasonable cost of transporting their children from home to the school bus stop.
 - Agreement between two districts (ORC 3327.04).

Open Enrollment - Permitted

- Students from other districts must be admitted, tuition free, subject to certain restrictions
- No affect on ADM of either district

Open Enrollment – Board Policies

Board policies must include:

- Application procedure and timeline
- Stated capacity limits by grade level, building and education program
- Requirement that “native students” are given preference
- Procedures for ensuring racial balance maintained (R.C. 3313.98(B)(2))

Open Enrollment Board Policies

- Policies may **not** include:
 - Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills
 - Limitations on admitting applicants because of disability unless needed services are not available
 - English language proficiency requirement
 - Rejection of any applicant for disciplinary reasons unless the student has been suspended or expelled for ten consecutive days or more in the current or immediately preceding term (R.C. 3313.98(C))
 - Choking example

Common Pitfalls

- **Common Pitfalls:**
 - Insufficient evidence of home district
 - Disciplinary matters
 - Falsification of application
 - Special education needs determined after open enrollment

Questions?

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