

ODE EMIS MANUAL

Section 2.1.1: Student Enrollment Overview



Version 3.1
January 17, 2017

REVISION HISTORY

The revision history sections of the EMIS Manual provide a means for readers to easily navigate to the places where updates have occurred. Significant changes and updates are indicated through red text for additions and strike throughs for deletions. Minor changes—such as typos, formatting, and grammar corrections or updates—are not marked.

Version	Date	Effective Date (FY & Data Set)	Change #	Description
<u>3.1</u>	<u>1/17/17</u>	<u>FY16</u>	<u>32462</u>	<u>Added withdrawal code 35-Withdrew from Educating District, District of Residence no Longer Responsible.</u>
<u>3.0</u>	<u>5/31/16</u>	<u>FY16</u>	<u>32462</u>	<u>Added to Coming Changes section.</u>
<u>3.0</u>	<u>5/31/16</u>	<u>FY16</u>		<u>Adding Coming Changes section.</u>
2.0	8/5/15	FY15		Updated GED section based on update to ORC §3313.67.
2.0	8/5/15	FY15		Updated language to reflect shift from reporting periods to FY15 reporting.

Note. This section makes several references to Ohio Revised Code and Ohio Administrative Code. To find the actual language referenced, follow this link: <http://codes.ohio.gov/>.

COMING CHANGES

The coming changes sections of the EMIS Manual provide a means to share with the field currently known information about upcoming changes. The final details of these changes have not all been determined at this time, however, those currently known are included here. Once all relevant details of the change(s) are known, the main text of the EMIS Manual section will be updated and the change(s) will be removed from this list.

At this time, there are no additional FY16 EMIS changes that will impact the Student Enrollment Overview section of the EMIS Manual.

<u>Change #</u>	<u>Change Description</u>

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2.1.1 STUDENT ENROLLMENT OVERVIEW

GENERAL GUIDELINES

This section of the manual is an overview of student enrollment and includes information regarding students exiting an educational entity. Once a student has been properly enrolled in a district, there are a number of instances in which the student can then withdraw or be discharged from the district. Some situations may result in a district retaining responsibility for a student, even though it is no longer educating that student. One such example is a student who has been withdrawn from a district for failure to participate in learning opportunities. Though such a student is no longer the district's responsibility for funding purposes, the district does have a responsibility to this student and must still follow relevant law and policy regarding truant and missing children.

There are a number of withdrawal codes (see EMIS Manual Section 2.4) that are used to indicate how a student exited a district. These vary from a student being discharged upon graduation to a student's parent withdrawing the student to attend a different district to adult students withdrawing themselves.

This section of the EMIS Manual includes a table of contents to help to pinpoint particular situations or areas of interest. Each included topic begins with a summary of relevant federal and state law followed by relevant ODE policy. At the end of this document are a number of questions and answers based upon questions from the field and relating to many of the enrollment topics discussed in this section of the Manual.

Reporting to ODE versus District Responsibilities

All children in the state of Ohio are entitled to a free and appropriate education. Between the ages of 6 and 18, children are required to attend school. Each district is responsible for the students living within the district's boundaries who should be attending its schools. That responsibility extends beyond the reach of EMIS reporting. For instance, anytime a district learns that a student within its boundaries is allegedly truant, an investigation per local truancy policies must be undertaken. This is true regardless of whether or not the district is required to report that student via EMIS.

Districts are responsible for ensuring that students receive a free and appropriate education. As part of this responsibility, districts must sometimes attempt to compel students to attend school so that they can be educated. Much of what districts do to uphold this responsibility to students is not reported to EMIS. That something is not reported to EMIS does not mean that a district does not have a responsibility to follow through with an action or to properly document that action.

Part of the districts' role in providing education to students includes a responsibility for reporting certain information to ODE. This section of the EMIS Manual is not all inclusive in terms of how to report students whose time with a district has ended. Other sections of the manual contain information on how to code such students, EMIS Manual Section 2.4 Student Standing Record (FS), for example. Please refer to the appropriate sections of the manual for additional information and for more specific reporting instructions.

In some cases where a student has been withdrawn from school, the district's responsibility to that student does not end. For example, if a student is withdrawn, is still of compulsory school age, and is not enrolled anywhere else, the district must still conform to local and state policies, rules, and laws con-

cerning truancy. As part of this, districts still have documentation requirements, such as the continued tracking of absences and the maintenance of records documenting the steps taken in fulfillment of such policies, rules, and laws. This is an instance of a data reporting rule (when to withdraw the student in EMIS) and Ohio law (compulsory education and truancy) touching the same subject while having different requirements in terms of actions, documentation, and timelines.

The data reporting requirements for ODE may not be the same as the districts' documentation maintenance requirements. For example, once a student is reported to EMIS as withdrawn due to truancy, new records for that student are not expected to be reported (for example, attendance would not be reported for dates after the withdrawal date). However, the district's responsibility to that student does not end. The district must still maintain and document an accurate count of absences.

Another example is a student who is released from a Juvenile Detention Center (JDC) and does not return to school. If the student was not receiving instruction from his resident district while at the JDC, then his resident district does not have to report attendance data for him to EMIS. However, the district is still required to maintain this student's absence records and to follow its local truancy policy.

Districts must adhere to federal and state regulations with regards to students with disabilities, therefore districts' responsibilities may not end once these students have been withdrawn. For example, if an 18-year-old student with a disability decides to exit education, the district may have additional ETR/IEP follow-up responsibilities after the student has been withdrawn.

In this section of the EMIS Manual, we are attempting to cover most situations where districts have responsibilities toward students that may not be the same as the EMIS reporting responsibilities for those students. However, this section is mainly focused on EMIS reporting. The purpose of this section is not to include all situations in which a district is responsible for a child when not reported to EMIS. Similarly, this guide is not a substitute for working with your local administration, local board, and local legal counsel for interpretation and implementation of federal, state, and local regulations.

Required Documentation

Ohio Revised Code §3317.031 requires that districts maintain a "membership record" that includes certain information regarding every student enrolled, including withdrawal dates and days absent. Districts are required to maintain each such record "for at least five years." Districts may not have policies for purging records before that time, such as basing the deletion on student age or graduation date. Record retention policies must ensure that membership records are maintained for at least five years after the student has exited the district.

In situations where the responsibility for a student is shared between districts (e.g., JVSD students, court-placed students, etc.), it is not required that both districts maintain copies of all relevant documents. The districts involved should work together to ensure that relevant documentation exists, and the district that is not maintaining copies should document in the student's file that the district is relying on the documentation maintained by the other district.

Generally, for many of the withdrawal codes, a document from another party (e.g., a parent, another district, a court, etc.) is required for a withdrawal. If nothing is received from a responsible party outside the district, then documentation of the steps taken and information gathered by district staff must

be on file. In such instances, if an ODE system (SOES, for example) shows that the student has enrolled in another district, a screen print along with documentation of confirmation of admission from the other district can be maintained in the student file to document the withdrawal.

Documentation can be hardcopy or electronic copy; districts should follow local policy and practice for this. All excuses from parents, as well as other documents pertaining to a student's enrollment, attendance, and withdrawal from a district, become a part of the official attendance record and must be maintained regardless of format or condition.

Upon entering school, students are required to present certain documentation. Ohio Revised Code §3313.672 spells out the documentation that is required by state law for a child to be enrolled in a district. These documents become a part of the student's record and must be maintained for at least five years after enrollment ends.

Districts must maintain documentation to support any withdrawal code reported for a student. The following table includes information regarding the preferred documentation that districts should maintain in student files for the different withdrawal codes. In instances where districts are unable to secure the preferred documents, the table includes other documentation that would be acceptable alternatives to support the relevant withdrawal code. (For more information on the withdrawal codes themselves, see EMIS Manual Section 2.4 Student Standing Record (FS).)

Withdrawal Code	Preferred Documentation	Other Documentation
<u>35 – Withdrew from Educating District, District of Residence No Longer Responsible</u>	<u>Documentation that proves that the student is no longer residing in the district. This could be documentation from a residency investigation that determined a student does not qualify as a resident, returned mail with a forwarding label attached by the post office, or a registered letter returned due to the intended recipient having moved.</u>	<u>Documentation of notice from the parent or other district/school that the student has moved. Any notice received only verbally must be documented with details of who provided the information, how it was provided, who received it, and when it was received. The district must also document its efforts to receive preferred documentation.</u>
36 – Withdrew from Preschool	Either documentation that the child has completed the preschool program or a note from a parent when the child does not complete the program. ORC §3321.13(A)	Documentation of notice from the parent indicating the parent’s decision to withdraw the student.
37 – Withdrew from Kindergarten	Documentation from those who decided (including the parent/guardian) that it is in the best interest of the child to wait an additional year before starting kindergarten. For additional information, see COMPULSORY EDUCATION. ORC §3321.01(A)	Documentation of notice from the parent indicating the parent’s decision that the student is not ready for kindergarten.
38 – Promoted Beyond Max Grade/Entity Closing	Evidence that the student completed the maximum grade offered by the community/STEM school (must be lower than 12 th grade) or ODE must show that the entity has closed. ORC §3321.13(A)	NA
39 – Non-Enrolled Student No Longer Receiving Services from the District	Evidence that the student had previously been receiving services only, as well as documentation from a parent or district discontinuing the services.	NA
40 – Transferred to Another School District Outside of Ohio 41 – Transferred to Another Ohio School District 42 – Transferred to a Private School	At least one of the following: <ul style="list-style-type: none"> • a signed withdrawal form from a responsible party outside the district that includes the last date attended in the district and the name of the new district/school. • documentation of notification from an ODE system that the student has enrolled in another Ohio district (student must be a known match by more than just SSID). • a hard copy or electronic records request from the new district/school with the date enrolled in the new school (preferred) and/or the date the request was received. ORC §3321.13(A)	Documentation of notice from the parent or other district/school that the student has transferred. Any notice received only verbally must be documented with details of who provided the information, how it was provided, who received it, and when it was received. The district must also document its efforts to receive preferred documentation.

Withdrawal Code	Preferred Documentation	Other Documentation
43 – Transferred to Home-schooling	Appropriate approval documentation. For students living in local districts, the approval comes from the ESC. Students who live within a city or exempted village school district must have the appropriate documentation and approval from the district superintendent on file. For additional information, refer to HOME-SCHOOLING. ORC §3321.04(A)(2), OAC §3301-34-3	NA
45 – Transferred by Court Order/Adjudication	A copy of the court order. Note that students placed into DYS are not to be withdrawn from their resident districts. For additional information, see COURT PLACEMENT. ORC §3313.64(B)(2)	NA
46 – Transferred out of the United States	Any of the documentation listed for withdrawal reasons 40-42. An additional option for students in formal foreign exchange programs is documentation that the program has ended for that student. For more information, see FOREIGN EXCHANGE/INTERNATIONAL STUDENTS. ORC §3321.13(A)	Any of the other documentation listed for withdrawal reasons 40-42.
47 – Withdrew Pursuant to <i>Yoder vs. Wisconsin</i>	Documentation that the student has completed at least the eighth grade and a signed withdrawal form from the parent indicating that the child is being withdrawn in accordance with truly held religious beliefs.	NA
48 – Expelled	Copies of the notices that are required to be sent to parents. Copies of the supporting disciplinary reports must also be maintained. Refer to DISCIPLINE/ALTERNATIVE SCHOOLS for more information regarding the steps that must be taken (and documented) in the case of a student expulsion. If a district is honoring a JVSD expulsion, then the district should obtain supporting documents from the JVSD. ORC §3313.661	NA
51 – Verified Medical Reasons	A signed document from a health professional. ORC §3321.04(A)(1)	If a district cannot obtain a signed document from a health professional, it must maintain the notice or records it is able to obtain of hospitalization, admission to a nursing home or rehabilitation facility, etc.
52 – Death	Documentation received from the family. ORC §3321.13(A)	If a district does not receive the preferred documentation, copies of dated obituaries, death notices, and memorial cards are also acceptable.

Withdrawal Code	Preferred Documentation	Other Documentation
71 – Withdrew Due to Truancy/Nonattendance	This withdrawal code requires the district to maintain a significant amount of supporting documentation. All steps taken by district staff to compel the student to attend school must be documented. The student’s absences must be accurately and completely documented. Documentation must continue beyond the withdrawal of the student in EMIS. See TRUANCY AND EXCUSED ABSENCES for additional information on the steps required in such cases. ORC §3321.19	NA
72 – Pursued Employment/Work Permit	A copy of the work permit signed by the superintendent. ORC §3331.01	NA
73 – Over 18 Years of Age	A signed withdrawal form from the student, along with proof of the student’s age (e.g., a copy of the birth certificate). ORC §3321.01(A)(1)	Documentation of notice from the student, along with proof of the student’s age (e.g., a copy of the birth certificate). Any notice received only verbally must be documented with details of who provided the information, how it was provided, who received it, and when it was received. The district must also document its efforts to receive preferred documentation.
74 – Moved, Not Known to be Continuing	The steps taken to make this determination must be documented and maintained. This may include official notes from the attendance/truancy officer, returned mail with a forwarding label attached by the post office, or a registered letter returned due to the intended recipient having moved. ORC §3321.13(A)	NA
75 – Student Completed Course Requirements	Students’ transcripts and test scores, where applicable, must be maintained. If an IEP states that a student is not required to pass one or more sections of the graduation assessment, then that information must be maintained as well. ORC §3321.03(A)	NA
76 – Non-Attendance According to the 105 hour rule	Documentation of the student’s continuous, unexcused absences must be maintained. For more information, see TRUANCY AND EXCUSED ABSENCES. ORC §3314.03(A)(6)(B)	NA
77 – Withdrew due to ORC §3314.26 (non-tested)	Documentation showing that the student was not tested during the prior two years.	NA

Withdrawal Code	Preferred Documentation	Other Documentation
79 – No Longer Eligible to be Enrolled in District	Documentation that proves that the student is no longer eligible to be enrolled in the district. This could be documentation from a residency investigation that determined a student does not qualify as a resident, documentation indicating the end of a superintendent’s agreement, or other documentation supporting the student’s change in eligibility. ORC §3321.13(A)	NA
81 – Student Reported in Error	Documentation that explains the nature of the error and supports such a withdrawal. ORC §3321.13(A)	NA
99 – Completed High School Graduation Requirements	Students’ transcripts and test scores. For special education students, a copy of the IEP excusing them from the consequences of graduation assessments must also be included. ORC §332103(A)	NA

District Level Policies

Though state law does place many requirements on districts, much is still left up to local policy. Districts must have local attendance policies. Superintendents must develop guidelines that establish procedures so that students and parents have an opportunity to challenge the district's attendance record prior to the withdrawal of a student. Districts must also have local policies to guide employees in addressing and resolving students' habitual truancy (ORC §3321.191). As these policies have an impact on EMIS reporting, it is important for EMIS coordinators to be aware of and familiar with these policies.

Due Process

Students have a right to an education. Before a district takes an action that deprives a child of that right, such as expulsion, the district needs to follow – and document – the steps taken to provide due process to the family.

Timelines for Action

As part of ensuring a student's right to a free and appropriate education, students cannot be denied admittance while a district awaits previous educational records or proof of residency. One exception to this is for students released from DYS prior to enrollment (see COURT PLACEMENT for more information).

Generally speaking, the withdrawal date a district reports is the date that is supported by the documentation it has on file. If the district has a signed form from a responsible party outside the district, then either the date indicated on the form (when notice is given in advance of the student's last day) or the date of receipt of the notice itself should be used. If the district does not have a signed form, but does have a records request, then the student is withdrawn one day prior to the enrollment date indicated on the records request. If neither of these documents is on file, then the most appropriate, documented, date should be used (e.g., date of death, date of medical withdrawal, etc.).

Students who do not return in the fall present questions regarding EMIS reporting. If a withdrawal form is received from a responsible party outside of the district at the close of the previous school year indicating that the student will not be enrolled in the district the following school year, then the student is withdrawn on the last day of school. If no form is received, but a records request is received from another district at the beginning of the new school year, then the student is withdrawn one day prior to the new enrollment date indicated on the records request. If no form is received, no records request is received, and the student does not return to school in the fall, local attendance and truancy policies must be followed and the student must be reported with unexcused absences until such time that the district meets other requirements for withdrawing the student.

There are a number of reasons that students may be withdrawn from school. ***It is a district's responsibility to make that determination. The withdrawal reason reported for every student must be supported by appropriate documentation.*** Sometimes an EMIS reporting deadline requires a district that is still in the process of investigating an absent student to report that student. In this situation, the district should report the student's status based on what it knows to be true at that time. There may be times when a withdrawal reason reported in the Initial Student Collection is later in that same school year found to be incorrect. In these instances, the district must report the correct withdrawal reason during the later Student Collections. The last withdrawal reason reported will stand. Previously withdrawn students are not to be re-enrolled at the start of a new school year for the single purpose of updating a withdrawal reason.

Missing Children

In keeping with the federal Missing Children Acts, the ORC includes certain requirements for school districts. Ohio Revised Code §109.65(D) requires schools to

- notify the attorney general and local law enforcement when a missing child attends school,
- have policies in place regarding the notification of parents within a reasonable time after their children have been determined to be absent from school, and
- notify local law enforcement when a child is enrolled without a birth certificate and school records (see ORC §3313.672(A) for specific documentation requirements, including acceptable substitutions for a birth certificate).

Within 24 hours of a student's entry into school, a request for records from their previous school must be made. (ORC §3313.672(A)(3).) If neither the previous school records nor a birth certificate (or other acceptable documentation per above) is forthcoming within 14 days, or if the previous school reports having no record of the student's attendance, then the principal must report to local law enforcement where the child lives that the student may be a missing child. ("Entry" here means the start of a student's attendance. If, for example, a student is enrolled in July and school does not begin until September, the 24 hour deadline is after the student first attends the district in September.)

Special Education

Before withdrawing a special education student, districts must ensure that they have complied with all laws and regulations regarding the education of students with disabilities. For instance, the IDEA requires that districts provide an alternative setting for the education of students who are truant and that districts continue to educate students who have been expelled. For more specific information regarding special education students, refer to ODE's Office for Exceptional Children.

COMPULSORY EDUCATION

ORC/OAC

"A child between six and eighteen years of age is 'of compulsory school age'" (ORC §3321.01(A)(1)). If a child enrolled in kindergarten is under the age of six, that child is considered 'of compulsory school age' unless the child's parent or guardian, in consultation with the child's teacher and principal, withdraws the child from kindergarten.

However, although a child is not required to attend school after reaching the age of eighteen, a child is entitled to attend school until age twenty-two. (ORC §3313.64(B).)

This applies to "[e]very child actually resident in the state" (ORC §3321.02).

Every child of compulsory school age must attend school unless and until one of the following occurs:

- The child receives a diploma, successfully completes any high school's curriculum, or successfully completes his or her IEP (ORC §3321.03(A)),
- The child receives an age and schooling certificate (ORC §3321.03(B)), or
- The child is excused per ORC §3321.04, which allows for the following:

- A superintendent may excuse a child if his or her “bodily or mental condition does not permit attendance at school.” Appropriate instruction must be provided. This must be certified in writing by a licensed physician or psychologist (ORC §3321.04(A)(1)). Such an excuse must include the reason for the excuse, and a copy must be sent to the child’s parent or legal guardian (ORC §3321.04(B)).
- A superintendent may excuse a child if the child is being homeschooled. Documentation of the determination of the home instructor’s qualifications and other information must be on file (ORC §3321.04(A)(2); OAC §3301-34-03). Such an excuse must be in writing and include the reason for the excuse, and a copy must be sent to the child’s parent or legal guardian (ORC §3321.04(B)).
- A superintendent may excuse a child who is over fourteen for a limited amount of time for the purpose of “performing necessary work” for his or her parents or legal guardians (ORC §3321.04(B); OAC §3301-69-02(A)(2)). Such an excuse must be in writing and include the reason for the excuse, and a copy must be sent to the child’s parent or legal guardian (ORC §3321.04(B)).
- ORC §3321.04(C) also allows schools to excuse children for “good and sufficient reasons.” OAC §3301-69-02 includes a list of acceptable reasons for excused absences, which includes circumstances that are good and sufficient reason within the judgment of the superintendent.

Except for students released from the custody of DYS, within 24 hours of entry into school, the student’s records must be requested from the school most recently attended. (ORC §3313.672(A)(3).)

All school districts must have policies concerning excused and unexcused absences. Pursuant to the OAC, a parent or guardian must provide an explanation for a child’s absence, which shall be recorded by the approving authority of the school and shall include the date and time of the absence. Emancipated youth and married children under the age of 18 may provide the explanation for their own absences. (OAC §3301-69-02(B)(1).)

An excuse from school may be approved for:

- Illness of the child (a statement from a health professional may be required if deemed appropriate);
- Illness in the family (a statement from a health professional explaining why the child’s absence was necessary may be required if deemed appropriate);
- Quarantine of the home;
- Death of a relative (absence is limited to 3 days unless reasonable cause is shown for a longer absence);
- Medical or dental appointment (a statement from a health professional may be required if deemed appropriate);
- Observance of religious holidays;
- College visitation (verification of the date and time of the visit may be required);
- Emergency or other set of circumstances which in the judgment of the superintendent constitutes a good and sufficient cause for absence from school (the district may include in its dis-

cipline policy the manner in which any child may be excused for absence for good and sufficient reasons). (OAC §3301-69-02(B)(2).)

A child over the age of fourteen years who has been in regular attendance may be excused from attendance for a future limited period of no more than ten consecutive days for:

- The existence of an emergency at home such as absence, illness, or death of the parent or guardian;
- Farm work of the parent or guardian during a time of year in which the amount of work to be done is exceptional; or
- Inability of the parent or guardian to employ help in the family business.

The parent must file a written request for an absence for these purposes in advance of the absence, except in cases of emergency.

A student may be excused for longer than ten days if the parent has died or become incapacitated and there is no older brother or sister living in the home who is out of school. (OAC §3301-69-02(A).)

When a child of compulsory school age withdraws from school, the district must determine the reason for withdrawal. The superintendent must be notified immediately of the withdrawal and the reason for the withdrawal. (ORC §3321.13(A).)

If the withdrawal is due to a change in residence, the new residence must be determined and included in the notice to the superintendent. The superintendent must then forward the “essential facts regarding the child,” as well as the child’s new address, to the superintendent of the child’s new district. (ORC §3321.13(A).)

If the withdrawal is due to something other than a change in residence and the child is not enrolled in or attending “an approved program to obtain a diploma or its equivalent,” then upon receipt of this information the superintendent must notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located. These notifications must “be given within two weeks after the withdrawal and failure to enroll in and attend an approved program or its equivalent.” (ORC §3321.13(B)(1).)

ODE Policy

Districts cannot refuse to enroll a student or delay a student’s entrance into school based on the time of year. For instance, if a student appears in a district and applies for enrollment during the last few weeks of the school year, the district cannot refuse the student’s admittance until the following school year. Delayed paperwork is also an insufficient reason for denying a student’s immediate entrance into school. A district may not wait on a student’s transcript to be received before allowing the student to attend school (students coming directly from DYS are an exception to this; see COURT PLACEMENT).

Every time a student of compulsory school age exits school, the district must have supporting documentation on file. The withdrawal date reported for a student who is not attending and has not been excused or is truant should not be the last date the student was physically present. The withdrawal date for such a student is the date on which the district fulfills the requirements of law and policy for student ab-

sences and withdrawals. Even after withdrawing the student in EMIS, the district has a continued responsibility to follow the appropriate attendance and truancy laws and policies and to document all such efforts.

Students who are eighteen and older can withdraw themselves. Exceptions to this are students over eighteen whose guardianship resides with another person or entity. Students who have not met graduation requirements, have not submitted withdrawal documentation, and are absent without excuse cannot be withdrawn for nonattendance simply because they are eighteen.

Districts should determine whether vacation days are generally considered to be excused or unexcused absences and include this in their attendance policies. Districts with policies making vacation days unexcused absences should also determine whether there are circumstances under which vacation days may be excused. Students who are on vacation are not to be withdrawn and then re-enrolled upon their return. Unless the district has documentation to support a withdrawal, the student remains enrolled with vacation days marked as absences. Regardless of the reason for the absence, excused absences do not count toward truancy proceedings.

Compulsory attendance exceptions allow a child to comply with the laws for compulsory education without being physically present in a school setting.

Of the reasons listed in the ORC section above that allow a child to be excluded from compulsory attendance, the following are withdrawal situations: physician's excuse, homeschooling, and excused for necessary work. The last of these may involve a limited period of time in which the student is not participating in an educational activity. Other "good and sufficient reasons" require that the district continues to report the student as enrolled; however, the absences may be reported as excused.

RESIDENCY FOR SCHOOL PURPOSES

ORC/OAC

A child, who is at least five but under twenty-two years of age, "shall be admitted to the schools of the school district in which the child's parent resides." (ORC §3313.64(B)(1).)

Students do not always live with both or either of their parents. Additionally, there are other special circumstances that impact where a student can attend school. See the information below to determine a student's district of residence.

Divorced Parents. If the parents are separated or divorced or their marriage has been dissolved or annulled, "parent" means the parent who is the residential parent and legal custodian of the child. (ORC §3313.64(A)(1)(a).) Under a shared parenting agreement that does not designate which school the child is to attend, the child may attend school in the district of either parent. If the court order designates one parent as the residential and custodial parent, then the child attends school in that district. If the order specifies the schools that the child is to attend, then the child attends school in that district.

Unmarried Parents. If the parents have never been married, the child's custodian, unless there is a court order to the contrary, is the mother, and the district of residence is where the mother resides. (ORC §3109.042.)

Adoption. An adoptive parent is a parent for purposes of residency. A child placed for adoption shall be admitted to the schools of the district where the child resides. (ORC §3313.64(B)(3).)

Legal Custodian. If the child is in temporary or permanent custody of a government agency or a person other than a parent, the child attends the schools where the child resides. (ORC §3313.64(B)(2).)

If the child is in temporary custody, “parent” means the parent with residual parental rights, privileges, and responsibilities. If the child is in permanent custody, “parent” means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent. Legal and permanent custody and residual parental rights are defined by ORC §2151.011.

A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child. (ORC §3313.64(E).)

Grandparents. If a grandparent executes a power of attorney under ORC §§3109.51 to 3109.62 or a caretaker authorization affidavit under ORC §§3109.64 to 3109.73, then the grandparent serves as a parent and the child attends the school where the grandparent resides. (ORC §3313.64(A)(1)(b).)

A child under the age of twenty-two years who is in the custody of the child’s parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child’s grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child’s grandparent resides and the board of education of the school district in which the child’s parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

Children in Homes. A “home” is a “home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

- a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.
- b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.
- c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.
- d) The home is a children’s home created under section 5153.21 or 5153.36 of the Revised Code.” (ORC §3313.64(A)(4).)

A child who resides in a home shall be admitted to the schools in the district in which the child resides. (ORC §3313.64(B)(2).)

Children of Parents in Military Service. There is more than one way to determine where such children are entitled to attend school.

- **Attendance in District Where Child is Living.** Any child residing with a person other than the child’s parent is entitled, for a period not to exceed twelve months, to attend school in the

district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

- a) That the parent is serving outside of the state in the armed services of the United States;
- b) That the parent intends to reside in the district upon returning to this state; and
- c) The name and address of the person with whom the child is living while the parent is outside the state.

(ORC §3313.64(F)(4).)

- **Military Power of Attorney.** Under a separate provision, 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 §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 document expires. (ORC §3314.64(F)(14).)

- **Attendance in District of Parent's Residence.** A child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. (ORC §3314.64(M).)

Self-Supporting and Married Students. Students who are at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or their IEP are entitled to attend school in the district in which they reside.

Any child under eighteen years of age who is married is entitled to attend school in the district in which the child resides. (ORC §3314.64(F)(2).)

Special Education. A child who requires special education is entitled to attend schools in the district in which the child resides. (ORC §3313.64(B)(2)(C).)

Medical Conditions. A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent shall submit a statement from the child's physician certifying that the child's medical condition may require emergency medical attention, and any other evidence the board requires. (ORC §3313.64(F)(3).)

Death of a Parent. Any child whose parent dies is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to the approval of that district's board. (ORC §3313.64(F)(5).)

Building/Buying a House. A child can attend school in the district in which the parent is *building* a new house (for an established period of time that is not to exceed ninety days). The parent shall provide:

- a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion; and
- b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(ORC §3313.64(F)(6).)

A child can attend school in the district in which the parent is *purchasing* a home (for an established period of time that is not to exceed ninety days). The parent shall provide:

- a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there; and
- b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

(ORC §3313.64(F)(7).)

Child of District Employee. If a school district has a policy allowing children of employees to be admitted, a child may attend the school district where the parent is a full-time employee. No child may be admitted under this policy after the first day of classes of any school year. (ORC §3313.64(F)(8).)

Domestic Violence Shelters. A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school tuition free in the district in which the shelter is located. (ORC §3313.64(F)(9).)

Family Moves.

- **Senior Year.** Any child whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend for

an additional period of time in order to successfully complete the high school curriculum or the IEP. (ORC §3313.64(F)(10).)

- ***Pursuant to District Policy.*** If a child relocates to another residence in the same county, the child may continue to attend school in the district in which the child was entitled to attend school at the end of the first full week of October for the balance of the year, so long as the child or child's parent has relocated within the same county. Two conditions apply:
 - a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll the children described in this section.
 - b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.
(ORC §3313.64(I).)
- ***Superintendent Agreement.*** If the superintendents of two districts agree, then a child can attend a school district other than the district in which he or she is entitled to admission if the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents. (ORC §3313.64(F)(12).)

ODE Policy

Students who alternate living arrangements between parents in different districts cannot be simultaneously enrolled in both districts. These students must be withdrawn and re-enrolled as appropriate throughout the school year.

For students who transfer out of state, the manner of education is not relevant to EMIS reporting. The student is simply reported as withdrawn to another district outside of Ohio.

For foster-placed students, see the *Legal Custodian* and *Children in Homes* sections above. The resident district for a student in a foster home remains that of the parent(s). Both the resident district and the educating district are to continue to report the student throughout placement.

HOMELESS

USC

The McKinney-Vento Homeless Assistance Act of 1987 (42 USC §11431 et seq.) addresses the education of homeless youth. The main provisions of this act are as follows:

- “[E]ach child of a homeless individual and each homeless youth” must have “equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.” (42 USC §11431(1).)
- Residency requirements must include provisions for homeless youth. (42 USC §11431(2).)
- Homelessness is not an acceptable reason to separate a student from the school environment. (42 USC §11431(3).)

- Homeless children “should have access to the education and other services that such children and youths need” in order to have the same opportunity to meet the academic achievement standards expected of all students. (42 USC §11431(4).)

The McKinney-Vento Act defines “homeless children and youths” as those “who lack a fixed, regular, and adequate nighttime residence.” (42 USC §11434(a)(2)(A).) This includes the following:

- Those sharing housing with others “due to loss of housing, economic hardship, or a similar reason”; those living in motels, hotels, trailer parks, or camping grounds “due to the lack of alternative adequate accommodations”; those living in emergency or transitional shelters; those abandoned at hospitals; and those awaiting foster care placement. (42 USC §11434(a)(2)(B)(i).)
- Those “living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.” (42 USC §11434(a)(2)(B)(iii).)

If a homeless student finds permanent residency during the school year that is outside of the district in which he or she is enrolled, the district in which the student is enrolled must allow the student to finish out the school year. (42 USC §11432.)

Homeless students cannot be denied enrollment because they cannot produce the documentation generally required for admission to school. (42 USC §11432(g)(3)(C).)

ORC/OAC

The Ohio Revised Code requires all school districts to comply with the McKinney-Vento Homeless Assistance Act’s provisions for a free, appropriate education for homeless children. A homeless student’s parent or guardian has the option of enrolling the student in either the original district of residence or the district in which the homeless student finds him- or herself. (ORC §3313.64(F)(13).)

FOREIGN EXCHANGE/INTERNATIONAL STUDENTS

ORC/OAC

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

- (1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students; or
- (2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization. (ORC §3313.64(G).)

ODE Policy

When foreign exchange students complete their program and leave the district in order to return home, they are reported with a withdrawal code of 46—Transferred out of the United States.

For resident students leaving the district as foreign exchange students, whether they are withdrawn from the district depends on the situation. Students engaged in educational options that belong to the resident district, for instance, would not be withdrawn. However, if the foreign exchange student is

not receiving any education or services from the resident district, then he or she is withdrawn with the most appropriate withdrawal code.

If a student is out of the country for a period of time, the student should not be withdrawn and then re-enrolled upon returning. If the student has received an excuse for the absence, the student is reported as any other student with an excused absence. If the student has not received an excuse for the absence, the district must document its efforts to attempt to ascertain the location of the student and when the student is expected to return.

If the district is unable to ascertain information concerning whether or when the student will return, the district must follow the appropriate attendance and truancy laws and policies and may withdraw the student accordingly. If the district has documentation that the family no longer resides at its previous residence or anywhere within the district, the district may withdraw the student with the most appropriate withdrawal code.

COURT PLACEMENT

ORC/OAC

A child who is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent, or who resides in a home, shall be admitted to the schools in the district in which the child resides. (ORC §3313.64(B)(2).)

At the same time, another school district may be responsible for tuition. When a court issues an order removing a child from his or her home or vesting temporary or permanent custody of the child with a person other than the child's parent, the court shall determine the school district that is to bear the cost of educating the child. In making this determination, a court is to follow ORC §3313.64(C)(2). This determination is subject to redetermination by ODE if the parent subsequently moves. (ORC §2151.362.)

If ODE determines that the place of residence of the parent has changed since the court issued its initial order, the department may name a different school district to bear the cost of educating the child. (ORC §2151.362(A)(2).) The process of changing the determination of financial responsibility under ORC §2151.362 is initiated by contacting the Division of Finance regional coordinator. That division has an established process for determining the outcome of these requests and the nature of proof required.

If a child is placed in a detention facility established under §2152.41 of the Revised Code or a juvenile facility established under §2151.65 of the Revised Code, the facility is responsible for coordinating the education of the child. The facility may choose one of the following options to educate the child:

- use a chartered nonpublic school that operates at the facility,
- arrange with the school district responsible for the cost of educating the child for the facility to educate the child,
- contract with an ESC to educate the child,
- contract with the school district in which the facility is located to educate the child, or
- permit the child to continue enrollment in an internet or computer-based community school. (ORC §2151.362(B) (as amended by HB 59).)

The child's school district, as determined by the court or the department in the manner prescribed in §2151.362(A), shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or facility, unless the child continues enrollment in an internet or computer-based community school. In that instance, payment for the cost of educating the child shall be made only as provided in ORC §3314.08(C).

Under ORC §3317.30, payment for the education of the child occurs as follows:

- If the facility educates the child, the facility, or the chartered nonpublic school that it operates, may submit its request for payment directly to the school district that is to bear the cost of educating the child.
- If the facility contracts with the district in which the facility is located, the school district may submit its request for payment directly to the school district that is to bear the cost of educating the child.
- If the facility contracts directly with an ESC for services for a child, the ESC may submit its request for payment for services for the child directly to the school district that is responsible for bearing the cost of educating the child.

In all of the above situations, the school district that is responsible for bearing the cost of educating the child shall pay the billing entity directly.

A district that pays for services for a child under this section shall count the child in its average daily membership and no other district shall include the child in its ADM. Payments under this section are to be determined in accordance with ORC §3313.64(C)(4).

When a child is placed by a court in a private institution, school, or residential treatment center, the state pays a subsidy to the court to help defray the expense of educating the child. (ORC §2151.362(C).) The district where the facility is located has a responsibility to educate the child. The district of residence may be required to pay tuition.

The Department of Youth Services operates its own school district within its facilities. Under ORC §3317.082, DYS bills costs to the school district responsible for paying tuition for the child.

Upon release from DYS, students are not to be admitted to a district until the students' transcripts, behavioral reports, and any IEP are received. See ORC §2152.18(D)(4) for information regarding the reports required to admit a student under these circumstances.

The Department of Rehabilitation and Corrections operates a school that provides educational services to children of compulsory school age within its facilities.

ODE Policy

If a student has been court ordered to not return to school for a certain amount of time (in order to work off court costs, for example), the student is not to be automatically withdrawn. If the district has documentation from the court on file, then the absences would be excused for the documented timeframe. If the district does not have this documentation, then the student's absences would be unexcused. Even in the instance of an 18-year-old student, the district must not report a withdrawal unless it has supporting documentation.

Students who leave JDC units without authorization are not automatically reported as withdrawals. In these instances, districts are to follow appropriate attendance and truancy laws and policies.

To determine whether to use 41—Transferred to Another Ohio School District or 42—Transferred to a Private School when students are placed in facilities depends upon the facility’s definition in OEDS.

OPEN ENROLLMENT

ORC/OAC

The Ohio Revised Code requires districts to adopt a policy regarding enrollment of students from adjacent or other districts. (ORC §3313.98.) Districts must adopt one of three potential policies:

- A policy prohibiting open enrollment (ORC §3313.98(B)(1)(a)),
- A policy permitting the enrollment of students from adjacent districts only (ORC §3313.98(B)(1)(b)), or
- A policy permitting the enrollment of students from all other districts (ORC §3313.98(B)(1)(c)).

For those districts that allow the enrollment of students from other districts, notification must be sent to each open-enrolled student’s resident district (3313.981(A)(3)). This notice must be sent by the first day of September of each year and must include

- the number of that particular district’s students enrolled,
- the classes or grade levels assigned, and
- the dates of enrollment.

Students who open enroll after the first of September shall also be reported to those students’ resident districts.

ODE Policy

There is no guarantee that students will be open enrolled into the same district from year to year. Resident districts must review enrollment lists each year to be sure students are still attending the districts into which they were open enrolled the prior year. If a previously open-enrolled student is withdrawn to the resident district at the end of a school year, but does not appear at the resident district in the fall, the resident district must pursue the appropriate attendance and truancy laws and policies.

HOMESCHOOLING

ORC/OAC

The superintendent of a city or exempted village school district can excuse a child for the remainder of the current school year if it has been shown that the child is being instructed at home by someone qualified to teach the required subjects; this includes any additional subjects that the superintendent believes the particular child needs.

The superintendent must have the following on file:

- A copy of the excuse,
- “Papers” showing how the home instructor’s qualifications were determined, and

- “All other documents relating to the information and the actions thereon.” (See ORC §3321.04(A)(2); OAC §3301-34-03.)

If a superintendent refuses to issue such an excuse, the parents must be notified in writing within 14 days. The notification must include the reason for the denial and information about the parents’ right to a due process hearing before the superintendent. (See OAC §3301-34-03 (C)(2).)

If after this hearing the superintendent still denies the request to homeschool, the superintendent must inform the parents of their right to appeal the decision, within 10 days, to the juvenile judge of the county. The judge’s decision is final. (See OAC §3301-34-03 (D)(3); ORC §3331.08.)

If at any point the superintendent determines that the child is no longer receiving “proper” home instruction, the excuse is void. (See ORC §3321.04 (A)(2).) The superintendent must notify the parents of their right to a due process hearing. If the excuse is withdrawn after such a hearing, the superintendent must notify the parents in writing that they must enroll the child in school and that they have a right to appeal to the juvenile judge of the county within 10 calendar days. (See OAC §3301-34-03 (H).)

After the first year of homeschooling, the parents must provide the superintendent with an academic assessment report. This assessment must show “reasonable proficiency.” (See OAC §3301-34-04.)

The resident school district must enroll/re-enroll any child who has previously been homeschooled. Grade level in such cases is to be determined by the superintendent. (See OAC §3301-34-06.)

DISCIPLINE/ALTERNATIVE SCHOOLS (GENERAL EDUCATION)

ORC/OAC

Note. This section details discipline provisions regarding the general school population. Students with disabilities subject to the Individuals with Disabilities Education Act have additional rights and protections that are provided by federal law, Chapter 3323 of the Ohio Revised Code, and Ohio Administrative Code Chapter 3301-51. Please consult with the Office for Exceptional Children regarding questions concerning the interaction of these provisions with Ohio law on suspensions and expulsions.

Boards of education are granted the authority to adopt rules and regulations governing the conduct of students. (ORC §3313.20.) Pursuant to this authority, boards of education enact student codes of conduct that outline behavior expectations for students and the school’s discipline policy.

Boards of education are required to have policies regarding suspension, expulsion, removal, and permanent exclusion of students that specify the type of misconduct for which a pupil may be suspended, expelled, or removed. (ORC §3313.661.)

Boards of education must have a zero tolerance policy for violent, disruptive, or inappropriate behavior; excessive truancy is to be included in such policies. Strategies to address these behaviors must be included in board policy. (ORC §3313.534.)

A board of education may establish and maintain an alternative school to serve students who are suspended, who have truancy problems, who are experiencing academic failure, who have a history of class disruption, who are exhibiting other behavioral problems as established by the board in its resolution, or who have been released from the custody of the Department of Youth Services. (ORC

§3313.533.) The Big 8 districts as well as any other district with a “significantly substandard graduation rate” (as determined by ODE) must have at least one alternative school for students with severe discipline problems, including excessive truancy. (ORC §3313.534.)

Before implementing an out-of-school suspension, a superintendent must do both of the following:

- Give written notice of the intent to suspend, including reasons for the suspension (ORC §3313.66 (A)(1)), and
- Provide an opportunity to appear at an informal hearing before the principal, assistant principal, superintendent, or superintendent’s designee (ORC §3313.66 (A)(2)).

Within one school day after a suspension, written notice must be provided to the student’s parents. The notice must include:

- The reason(s) for the suspension;
- Notification of the right to appeal the suspension to the board of education (see ORC §3313.66(E); and
- The manner and date by which the board must be notified of the parents’ intent to appeal the suspension. (ORC §3313.66 (D).)

The decision of the board of education may be appealed under Chapter 2506 of the Revised Code. (ORC §3313.66 (E).)

Any school district may temporarily deny admittance to a student who has been suspended from another district if the period of that suspension has not expired. Before denying admittance, the district must offer the opportunity for a hearing. If denied admittance per this section, the student must be admitted no later than the expiration of the suspension. (See ORC §3313.66 (J)(1).)

Before expelling a student, a superintendent must do both of the following:

- Give written notice of the intent to expel the student, including the reason(s) for the intended expulsion, notification of an opportunity to appear before the superintendent or the superintendent’s designee, and notification of the time and place to appear (the notice must meet other requirements set in statute) (ORC §3313.66 (B)(6)), and
- Provide an opportunity for the student or the student’s parent, guardian, custodian, or representative to appear in person before the superintendent to challenge the intended expulsion or otherwise explain the student’s actions. (ORC §3313.66 (B)(6).)

Within one school day after an expulsion, written notice must be provided to the student’s parents. The notice must include:

- The reason(s) for the expulsion;
- Notification of the right to appeal the expulsion to the board of education (ORC §3313.66(E)); and
- The manner and date by which the board must be notified of the parents’ intent to appeal the expulsion. (ORC §3313.66 (D).)

The decision of the board of education may be appealed under Chapter 2506 of the Revised Code. (ORC §3313.66 (E).)

Generally a superintendent may expel a student for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in the semester or term in which the incident that gave rise to the expulsion took place. (If there are fewer than eighty (80) school days remaining in the school year, the superintendent may apply the remaining days to the beginning of the following school year). (ORC §3313.66(B)(1).)

If a student is expelled and is over sixteen years of age, and either a delinquency complaint is filed or the student is prosecuted as an adult, a motion may be filed with the court seeking to extend the expulsion. (ORC §3313.66(F).)

A student who brings a firearm to school shall be expelled for one year, except that a superintendent may reduce this requirement on a case-by-case basis in accordance with district policy. A student who brings a firearm to an interscholastic competition, an extracurricular event, or any other school program or activity (“school activity”) that is not on school property may be expelled for one year, which may be reduced on a case-by-case basis in accordance with district policy. (ORC §3313.66(B)(2).)

A board of education may adopt a resolution authorizing the superintendent to expel a pupil for a period not to exceed one year for bringing a knife to school or a school activity, for committing an act that is a criminal offense and results in serious physical harm to a person or property while at school or a school program or activity, or for making a bomb threat. (ORC §3313.66(B)(3).)

Any school district may temporarily deny admittance to a student who has been expelled from another district if the period of that expulsion has not expired. Before denying admittance, the district must offer the opportunity for a hearing. If denied admittance per this section, the student must be admitted no later than the expiration of the period of expulsion. (See 3313.66 (J)(1).)

ODE Policy

Districts should refer to local policies to determine which withdrawal code to report for students who are expelled due to truancy. If local policy requires such students to be expelled, then the district must report 48—Expelled. If local policy does not require truant students to be expelled, then the district reports 71—Withdrew Due to Truancy/Nonattendance.

If a records request is received from another district during a student’s expulsion, the student’s withdrawal code is not to be updated. Another district agreeing to enroll the student does not change the documented reason for the student’s exit from the expelling district.

If a student attending a JVSD is expelled by his or her district of residence, the JVSD reports the student with a withdraw code of 41—Transferred to Another Ohio School District. The withdrawal date is the first day of the expulsion.

If a student’s expulsion occurs at the end of his or her senior year, this could potentially affect graduation. If the student completes graduation requirements during summer school, the district reports the student as a summer graduate during the graduate reporting period. The student is not re-enrolled; enrollment is not necessary to report a summer graduate.

TRUANCY AND EXCUSED ABSENCES

ORC/OAC

All school districts must have policies concerning excused and unexcused absences. Boards are also required to have a policy to guide employees in addressing attendance practices of any student who is a habitual truant. This applies to city, exempted village, local, joint vocational, and cooperative education school districts; ESCs; and community schools. (ORC §§3321.191, 3314.03(A)(11)(d).) In addition to the requirements laid out below, districts have the option to adopt other non-mandatory provisions to address truancy. (ORC §3321.13(B)(2).)

An attendance officer or other appropriate officer of a school district shall investigate any case of supposed truancy within the district and warn the child, if found truant, and the responsible adult, in writing, of the legal consequences of being a habitual or chronic truant. (ORC §3321.19(C).) If the child is of compulsory school age and, in violation of the law, is not attending school, the attendance or other appropriate officer shall notify the responsible adult and require that person to cause the child to attend school immediately. If they fail to do so, the attendance officer, if so directed by the superintendent, shall send notice requiring attendance of that parent at a parental education program and may file a complaint in any court of competent jurisdiction.

A “habitual truant” is any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year. (ORC §2151.011(B)(19); ORC §3321.19(A)(1).)

A “chronic truant” is any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for seven or more consecutive school days, ten or more school days in one school month, or fifteen or more school days in a school year. (ORC §2152.02(D); ORC §3321.19(A)(2).)

When a school determines that a student has been truant and the parent, guardian, or other responsible adult has failed to cause the student’s attendance, the board may require the adult to attend an educational program.

Upon the failure of the responsible adult to cause the child’s attendance at school, if the child is considered a habitual truant, the board shall do either or both of the following:

- Implement one of its intervention strategies or
- File a complaint in juvenile court. (ORC §3321.19(D).)

Upon failure of the responsible adult to cause the child’s attendance at school, if the child is considered a chronic truant, the board shall file a complaint in juvenile court. (ORC §3321.19(E).)

If a complaint is filed against a parent for failure to cause a child to attend school, the parent is discharged if they prove an inability to do so. If the parent is discharged, then the attendance officer shall file a complaint before a juvenile court judge alleging that the child is a delinquent child, unruly child, or dependent child. (ORC §3321.22.)

ODE Policy

For students who never attend (and have not previously been enrolled in) a district, the district's responsibility depends on where the child resides. If the school district is the child's resident district, then the district must follow the appropriate attendance and truancy laws and policies. If the district is not the child's resident district, then the district can use the most appropriate withdrawal code.

If a resident district learns that a child of compulsory school age who is living within its boundaries is not being educated, it has a responsibility to follow up with the student and to follow the appropriate attendance and truancy laws and policies. This applies to all students living within the district's boundaries, whether or not the student has ever attended the district's schools.

For students who fall into the compulsory education age range, there is no age limit or requirement associated with truancy. As long as the appropriate attendance and truancy laws and policies have been followed and the district has the proper documentation to support this, any student can be reported with a withdrawal code of 71.

If a student legitimately withdraws from a district while truancy proceedings are underway, then the district has no further responsibility to continue those truancy proceedings. If the district from which the student withdrew was not her resident district, the resident district may then be responsible for the student's attendance. This would depend on the withdrawal reason reported (see COMPULSORY EDUCATION).

GED**ORC/OAC**

To be eligible to take the GED, one must meet the following criteria (ORC §3313.617(A)):

- The person must be at least eighteen;
- The person must be officially withdrawn from school; and
- The person must not have received a high school diploma.

Those at least sixteen but less than eighteen who apply to take the GED must submit written approval from a parent, guardian, or court official. (ORC §3313.617(B).) These students are then counted as dropouts from the district in which the student was last enrolled. (ORC §3313.617(C).)

ODE Policy

Students who have sought and received approval from a parent, guardian, or court official to take the GED must be withdrawn with the most appropriate 7x withdrawal code. The student's file must contain documentation that supports that withdrawal code.

EXAMPLES

In this section, we have included sample questions that are based on scenarios and questions from the field, along with answers based on the information contained in this document. Whenever possible, the answer will direct you to the relevant section above for additional information.

Question 1. *A student enrolled in District A in March. The student was not in attendance at the end of the school year. The district did not receive a withdrawal notice from the parents or a records request from another district, so the student was not withdrawn by District A. The student did not return to District A the following school year. The student has been reported in the Initial Student Collection with all unexcused absences. Should this student be withdrawn as a summer withdrawal so that the unexcused absences this school year disappear?*

A student may not be withdrawn without supporting documentation on file (see *Required Documentation* under GENERAL GUIDELINES). If a district has no documentation supporting a withdrawal, the student cannot be withdrawn as a summer withdrawal. District A must follow the appropriate attendance and truancy laws and policies and report the student accordingly.

Question 2. *A District A student open enrolled into District B. District B gave the student a suspension, followed by an expulsion. District A does not know if the student will be returning to District A or District B after the disciplinary period. Should District A withdraw the student or continue pointing to District B?*

District A does not withdraw the student. For the duration of the disciplinary period, the student's EMIS relationship with District A does not change.

Question 3. *A student who resides in the district withdraws to attend an out-of-state online school. Does the district retain any responsibility for the student?*

The district must have documentation on file to support the withdrawal code reported to EMIS. Until that documentation is on file, the district must follow appropriate attendance and truancy policies. If at a future date—after the student has been withdrawn—it comes to the district's attention that the student is not attending the out-of-state online school—or any other school—it has a responsibility to follow the appropriate attendance and truancy policies. See *ODE Policy* under TRUANCY AND EXCUSED ABSENCES.

Question 4. *District A has a student who is under 18 and has no custodial parents. The student's step-parent was to obtain temporary custody of the child, but to date has not done so. While attending the district the student is living with the step-parent, who cannot prove custody. Can the district send a letter to the student stating that the student is no longer entitled to attend school in the district and report him as withdrawn in EMIS?*

The student's resident district must be determined. While the determination is being made, District A must continue to educate the student and must not withdraw him. If it is found that the student's resident district is in fact District B, but his familial situation would require him to be homeless in order to attend District B, then District A must continue to educate him. See the RESIDENCY FOR SCHOOL PURPOSES and HOMELESS sections.

Question 5. *District A has a few students who attended through the end of the prior school year, but did not return to the district at the start of the current school year. No withdrawal documentation was received from the students' parents. In the second or third week of the current school year, records re-*

quests were received from other districts for each of these students. Should District A enter unexcused absences for the first weeks of school and withdraw the students on the dates of the records requests? Or should District A report these students as summer withdrawals to the appropriate districts?

Students enrolled in a different district as of that district's first day of school are reported by District A as summer withdrawals. Students enrolled in a different district *after* that district's first day of school are reported by District A with unexcused absences. Local attendance and truancy policies must be followed, even for fall "no shows." See *Timelines for Action* under GENERAL GUIDELINES.

Question 6. *How should a district handle situations where a student's whereabouts are unknown? For example, situations where the students have most likely moved, but the district is unable to confirm for certain where the students are or that the students are continuing their educations.*

Once the appropriate attendance and truancy laws and policies have been followed and all such efforts have been documented, these students are reported with withdrawal code 74—Moved (Not known to be continuing).

Question 7. *A district has a student who is a ward of the state and has been placed within the district. Must the district enroll the student? What district is the student's district of residence?*

The student is entitled to attend school in the district in which he or she is placed. If the student's current custody situation is temporary, then the resident district is that of the parent with residual parental rights. If the student's current custody situation is permanent, the resident district is that of the parent who was divested of parental rights. See *Legal Custodian* under RESIDENCY FOR SCHOOL PURPOSES.

Question 8. *Student is a resident of District A, but was enrolled elsewhere when he was placed in a juvenile detention center (JDC). As the resident district, District A enrolled the student during his time at the JDC. When the student is released from the JDC, what documentation must District A maintain in order to withdraw him?*

Absent any documentation to the contrary, District A should assume that the student's enrollment continues upon his release from the JDC. If upon release the student does not attend District A, then District A must follow the appropriate attendance and truancy laws and policies in order to determine whether to withdraw the student to another district, for example, or to pursue truancy. See *Reporting to ODE versus District Responsibilities* under GENERAL GUIDELINES.

Question 9. *One of District A's juniors recently earned his high school diploma from an online high school. The student was enrolled simultaneously at the online school and at our district. We have a copy of his diploma and new transcript. The student is no longer attending our district. How do we withdraw this student and what date do we report as his last day?*

Students cannot be dual enrolled into multiple districts/schools and therefore the withdrawal date for this student is the day prior to his first day at the online school. Depending on the nature of the online school, District A reports either 40—Transferred to Another School District Outside of Ohio, 41—Transferred to Another Ohio School District, or 42—Transferred to a Private School.

Question 10. *Which withdrawal code should a district of residence use when one of its residents "graduates" from a Board of Developmental Disabilities (BDD)?*

In these situations, the students are withdrawn with code 73—Over 18 Years of Age.

Question 11. *JVS had an enrolled student who received a suspension followed immediately by an expulsion. On the first day of the student's suspension, she was placed in a JDC. She was released from the JDC before the period of her suspension had expired. How does JVS report this student?*

The student is withdrawn to her resident district for the dates of her incarceration at the JDC. When the student leaves the JDC, she is re-enrolled in the JVS. Finally, she is withdrawn with the code 48—Expelled as of the start of her expulsion.

Question 12. *District A often has students who are out of school for two weeks or more at a time for vacations. Can we withdraw these students and then re-enroll them upon their return?*

No. Districts do have the discretion to determine whether vacations are considered excused or unexcused absences. Unless there is appropriate documentation to support a withdrawal, districts must not withdraw students for the duration of their vacations. See the *ODE Policy* sections under COMPULSORY EDUCATION and FOREIGN EXCHANGE/INTERNATIONAL STUDENTS.

Question 13. *District A reported a student with a withdrawal code of 48—Expelled. During the expulsion period, the student moved out of state. District A received a note from the parents and a records request from an out of state school. Can District A now change this student's withdrawal code to 40—Transferred to Another School District Outside of Ohio?*

No, in this situation the withdrawal code should not be changed. That the student moved out of state does not change the way in which he exited District A. See *ODE Policy* under DISCIPLINE/ALTERNATIVE SCHOOLS (GENERAL EDUCATION).

Question 14. *District A will be evaluating new students for Services B and will only be writing service plans for speech. District A has to enroll the students for evaluation, so how would the students then be withdrawn?*

With the exception of PK, students do not need to be reported to EMIS as enrolled in order to be evaluated.

Question 15. *District A has been serving special education students at Services B. Services B is cutting back to only serving Speech and Language disability. How does District A report the students who have been attending whose current service plans have ended and will not be renewed due to the changes at Services B?*

These students are withdrawn with code 39—Non-Enrolled Student No Longer Receiving Services from District.

Question 16. *Student has been enrolled and attending school in District A. While seeming initially to meet residency requirements, it has come to the attention of District A that the student may not reside where claimed. The district, through extensive research and attempts to get information from the unresponsive parent, has not been able to determine where the student lives. Can District A withdraw this student? If so, which code and date should be reported?*

Until there is documentation showing that the family does not live within the district, the district is still responsible for educating the student. Districts cannot delay entry of students or forbid students from attending while awaiting proof of residency. If it is found and documented that the student is no longer a resident of District A, then the student is withdrawn with 79—No Longer Eligible to be Enrolled in District. The date reported is the date supported by the documentation collected by the district in its

investigation of the issue. See *Required Documentation* and *Timelines for Action* under GENERAL GUIDELINES and RESIDENCY FOR SCHOOL PURPOSES.

Question 17. *District A has a student who was reported as a summer withdrawal to District B. This withdrawal was based on a letter from a parent. District A has been notified that the student has since been court placed into District C (a community school) and that the court has ordered that District A shall bear the cost of education given that the parent did not, in the end, move to District B. District C has notified District A that the student is not attending school. What reporting responsibility does District A have? When should District A withdraw the student?*

District A withdraws the student per the parent letter. As long as the student is enrolled in and being reported by District C, District A does not report her. District C is responsible for following appropriate attendance and truancy policies. If the student is at some point withdrawn from District C, then District A would be responsible for following the appropriate attendance and truancy policies. See *Required Documentation* under GENERAL GUIDELINES, RESIDENCY FOR SCHOOL PURPOSES, and TRUANCY AND EXCUSED ABSENCES.

Question 18. *District A has a student who is 18 and is not attending school. Must the district look into the absences or can the student simply be withdrawn with 73—Over 18 Years of Age?*

As long as the student has not met graduation requirements, the district must follow the appropriate attendance policies. That a student is 18 does not relieve the district of its responsibility to follow up with the student and to properly document her withdrawal if she does not return. See COMPULSORY EDUCATION.

Question 19. *A student from District A open enrolls to District B. The student then moves to and enrolls in District C. District B has withdrawn the student. District A is unable to contact the parents by phone and receives returned mail with a forwarding label attached by the post office. The new address is in District C. How should District A withdraw this student?*

District A should withdraw the student using withdrawal code 35 and maintain the documentation supporting this withdrawal. See *Required Documentation* under GENERAL GUIDELINES, RESIDENCY FOR SCHOOL PURPOSES.