

*Revised: October 15, 2010*

## **Credit Flexibility: Who Pays the Costs?**

Questions have arisen about whether the school of the student pays when costs are incurred under a student's Credit Flexibility plan. While Credit Flexibility in many ways is similar to Educational Options, this is ODE's guidance on how to determine responsibility for those associated costs.

### **Policy**

#### **The school should pay the costs when:**

- The course of instruction is a part of the school's regular program of studies;
- The course of instruction is needed by the student to fulfill a graduation requirement, honors diploma or other educational need not otherwise provided by the school district;
- The course of instruction is endorsed and recommended by the school as a part of the district's regular program of study (e.g. online educational program);
- Students in traditional classrooms are supported in the same manner; or
- The course of instruction is a part of the student's regular class load taken during the normal school day.

#### **The student should pay the costs when:**

- The course of instruction is accessed outside the normal school day/week/year;
- The course of instruction is in addition to a full load of classes and is taken outside the normal school day;
- The course of instruction is not part of the school's regular program of studies;
- Those same costs are passed along to traditional classroom students;
- Costs for consumables that are charged to the Credit Flex student far exceed comparable consumable costs charged to traditional classroom students (e.g. art studio, auto repairs, etc.).

### **Guidance**

Caution must be exercised not to create a tuition situation by charging students fees, since school districts are funded by the state and students are entitled to a free public education. Costs associated with a credit flexibility option must be actual, reasonable and necessary for providing that option to the student. No additional fees or cost allocations to cover costs beyond the direct cost to the student are permitted.

## Frequently Asked Questions

### **What about an administrative fee?**

Administrative fees may not be charged for a student to access the Credit Flexibility option. Doing so could well constitute the creation of a tuition status in violation of ORC §3313.64.

### **Are students on free lunch exempted from all costs under Credit Flexibility?**

No. The exemption from school costs only applies to courses of instruction within the school district. ORC §3313.642 should not be interpreted to obligate a district to pay fees from Credit Flexibility providers that the district or board of education have no control over.

### **What about students on IEP's? Who pays those costs?**

While the nature of the IEP will provide guidance on a student's educational plan, the mere existence of an IEP does not necessarily obligate the district to absorb any costs beyond what would be normal and customary for any other student in the schools. In making credit flex and fee decisions, follow the language of the IEP.

A district is obligated to provide a FREE Appropriate Public Education (FAPE) to students with disabilities. If the IEP identifies that the student will use a program or activities outside of school for the purpose of credit flex which requires a fee, the school district is required to pay the fee. The IEP documents the FAPE that the district will provide and if a fee based credit flex option is identified, the district is obligated to pay for it as part of the FAPE. If the credit flex program is not related to the student's disability, and not identified on the IEP such as one that the student/family proposes, then the student would pay the fees in the same way as for any other student.

*For additional information on this topic, go to [www.education.ohio.gov](http://www.education.ohio.gov) key words Credit Flexibility and select the School Finance Guidance Document and the Fee Flowchart.*