

Residence and Custody of Children with Disabilities  
Determining Financial Responsibility for Educating Children with Disabilities

Situation	Responsibility
<p><b>1. Child Resides with Parent and Child in Custody of Parent</b></p>	<p>A child with disabilities is entitled to a free appropriate public education in the district of residence.</p> <p>Ohio Revised Code (ORC) 3323.08(A)(5)</p>
<p><b>2. Child Resides with Parent and Child in Custody of Government Agency or Other Person</b></p>	<p>If the parent has been legally divested of the custody of a child with disabilities, the child may, but rarely does, reside with the parent</p> <p>In these rare instances, the Juvenile Court should be contacted should there need to be a ruling on which district should be responsible for paying for the child's education. In most cases, the child may attend school tuition free in the district in which the parent resides.</p> <p>ORC 3323.08(A)(5)</p>
<p><b>3. Child Resides Voluntarily with Person Other Than Parent and Child in Custody of Parent</b></p>	<p>A child with disabilities residing with relatives or a person other than the parent [but not in a home, including a foster home, as defined in ORC 3313.64(A)(4)] without having been placed by a proper legal authority is the responsibility of the parent. The child is considered to have been unilaterally placed by the parent. The parent shall pay tuition and excess cost, if any, for a child with disabilities attending a school outside the parent's district of residence.</p> <p>ORC 3323.143</p> <p>If a custodial parent of a child with a disability has made a unilateral placement of the child, the custodial parent shall be responsible for payment of tuition and excess cost, if any, to the program or facility the child is attending as a result of that placement as long as the district of residence has offered a free appropriate public education to that child, and the unilateral placement is not a home, as defined in ORC 3313.64(A)(4).</p> <p>ORC 3323.143</p>

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<p><b>3. Child Resides Voluntarily with Person Other Than Parent and Child in Custody of Parent</b> <i>(continued)</i></p>	<p><b>Exceptions:</b> <b><u>Child Resides with Grandparent.</u></b> If a child with disabilities under the age of 18 resides with his/her grandparent and the grandparent has</p> <ul style="list-style-type: none"><li>• obtained a Power of Attorney (POA) completed by the parent, guardian or custodian of the child (ORC 3109.51 - 3109.62) or</li><li>• a Child Caretaker Authorization Affidavit (CAA) created by the grandparent when the child's parent, guardian or custodian cannot be located (ORC 3109.64 – 3109. 73),</li></ul> <p>the district where the grandparent resides is responsible for providing the child with a free appropriate public education.</p> <p>The POA or CAA gives the grandparent full authority over care, physical custody, and control of the child including the authority to enroll the child in school, to discuss with the school district the child's educational progress, and to consent to all school-related matters.</p> <p>Forms for creating these documents are included in the Ohio Revised Code:</p> <ul style="list-style-type: none"><li>• ORC 3109.53 Form of power of attorney for residential grandparent.</li><li>• ORC 3109.66 Form of caretaker authorization affidavit.</li></ul> <p><b><u>District Where Child Resides Determines That Another School District is Responsible for the Child's Education.</u></b> Until this determination is made, the district where the child resides continues to provide the child with an education. Once this determination is made, the district where the child resides is entitled to the payment of tuition and excess cost (if applicable) from the district determined to be responsible for the child's education. The district where the child resides must continue to educate the child.</p>
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<p><b>4. Child Resides in a Home and Child in Custody of Parent</b></p>	<p>The district in which the parent resides shall be financially responsible for Ohio residents. For a child whose parent is a resident of another state, the "home" shall be financially responsible.</p> <p style="text-align: center;">ORC 3323.13 and 3323.141</p> <p>Except as used in division (C)(2) of this section, "home" means 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:</p> <p>(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.</p> <p>(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.</p> <p>(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.</p> <p>(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.</p> <p style="text-align: center;">ORC 3313.64(A)(4)</p>
<p><b>5. Child Resides in a Home and Child in Custody of Government Agency or Other Person</b></p>	<p>The cost of educating a child with disabilities shall be paid by:</p> <p>A. The district designated by the court or ODE if the initial court order has been modified, or</p> <ul style="list-style-type: none"> <li>• If the parent has moved to another district and the district designated by the court can provide documentation to the Ohio Department of Education that the parent resides in another district, then the identified district is responsible for the cost of educating the child.</li> </ul> <p style="text-align: center;">ORC 2151.362</p> <ul style="list-style-type: none"> <li>• The form for initiating this process – Request to Change School District Responsible for Payment of Tuition</li> </ul>

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<p><b>5. Child Resides in a Home and Child in Custody of Government Agency or Other Person</b> <i>(continued)</i></p>	<p>Pursuant to Ohio Revised Code 2151.362 – is posted on the Ohio Department of Education Web site at <a href="http://education.ohio.gov">http://education.ohio.gov</a>, keyword search: <i>SF-DRC</i>.</p> <p>B. The district in which the child's parents reside, or C. The last school district in which the child's parents are known to have resided if the parents' whereabouts are unknown.</p> <p>ORC 3313.64(C)(1)</p>
<p><b>6. Child Resides in a Home and Child in Custody of Government Agency or Other Person – Court Order Modified from Original Court Order</b></p>	<p>The school district named in the modified court order shall be responsible for the tuition.</p> <p>ORC 2151.362</p>
<p><b>7. Child Resides in a Home and Child in Custody of Parent Who Is Not an Ohio Resident</b></p>	<p>"Home" shall pay the cost which includes tuition plus per-pupil amount received under State Basic Aid. Excess costs may also be charged.</p> <p>ORC 3323.141</p>
<p><b>8. Child Resides Apart from Parent and Supports Self and Child Is Own Custodian</b></p>	<p>Shall be admitted free in the district in which the child resides.</p> <p>ORC 3313.64(F)(1)</p> <p>"Self supporting" is defined as a child where all of the following are true:</p> <ul style="list-style-type: none"> <li>• Is at least 18 years of age, but younger than 22 years of age;</li> <li>• Lives in a residence other than where his/her parent or parents reside;</li> <li>• Supports self through his/her own labor;</li> <li>• Does not rely on SSI disability benefits for support;</li> <li>• Would NOT meet the definition of a person who is homeless under the McKinney-Vento Homeless Education Act.</li> </ul>
<p><b>9. Child Under 18 Years of Age and Married</b></p>	<p>The child's is entitled to attend school in the child's district of residence.</p> <p>ORC 3313.64 (F)(2)</p>

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<b>10. Child Who is Homeless</b>	<p>The child may attend school in his/her school of origin* or in the district where the child temporarily resides. If the child selects to enroll in the district where he or she temporarily resides, that district must immediately enroll the child.</p> <p>The district that the child selects is responsible for providing the child with a free appropriate public education.</p> <p style="text-align: center;">ORC 3312.64(F)(13)</p> <p><i>* The school where the child attended when permanently housed or the school in which the child was last enrolled.</i></p>
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If you have additional questions regarding tuition responsibilities or need assistance in completing the SF-DRC form, please contact your School Finance Area Coordinator. A directory of area coordinators is posted on the ODE Web site at <http://education.ohio.gov>, keyword search: *area coordinator*.