



Ohio School Boards Association Capital Conference and Trade Show

November 13 – 16, 2011

Greater Columbus Convention Center
Columbus, Ohio

Get me the money – student tuition issues

Legal

Monday, November 14, 2011

3:45 p.m.

C 210–212

Cathy Bregar, director of student services, Reynoldsburg City

Patty Jones, administrative assistant and SF 14 coordinator, Reynoldsburg City

Peter Riddle, residency investigator, Reynoldsburg City

Cheryl Maimona, Esq., Pepple & Waggoner, Ltd.

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OSBA Mission

OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service and creative solutions.

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OHIO SCHOOL BOARDS ASSOCIATION CAPITAL CONFERENCE

Columbus, Ohio
November 14, 2011

“Get Me the Money – Student Tuition Issues”

Presented by
Cathy Bregar, Director of Student Services
Patty Jones, SF-14 Coordinator
Pete Riddle, Investigator
Reynoldsburg City School District
and
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I. Introduction

II. Overview of Basic Requirements

A. School district of residence is responsible for paying student tuition costs.

1. Regular education students.

Initially the district of residence is where the child's parent resided at the time the child was removed from home or at the time the court vested legal or permanent custody of the child in another person or governmental agency, wherever occurred first. O.R.C. §3313.64(C)(2)(a)

Note: Statute provides for additional options.

2. Special education students.

For children receiving special education regardless of whether the child is in the custody of his or her parents or resides in a home, their district of residence is determined in the first instance by the location of their parents, and their district of residence will change as the parents' residence changes. O.R.C. §3323.01(M).

B. School district providing education to child can recover costs of education from the school district of residence.

C. Additional requirements when requesting payment from the district of residence for special education student.

1. An educating school district must take specific action before requesting payment for a special education student by doing at least one of the following:

a. Invite the district of residence to send representatives to attend the meetings of the team developing the child's individualized education program;

b. Receive from the district of residence a copy of the individualized education program or a multifaceted evaluation developed for the child by the district of residence;

c. Informed the district of residence in writing that the district is providing the education for the child.

D. How Does a School District Recover Educational Costs from a District of Residence?

1. Special education students

a. Tuition

1) The educating district completes and submits to the Ohio Department of Education (ODE) Form SF-14H identifying the state student identification (SSID) number, the district of residence, proof that the district of residence was informed of and/or agreed to the educating district

providing services, and other student information. ODE Form SF-14H and instructions are on ODE's website.

- 2) If one exists, the educating district should include a copy of the court order naming the school district responsible for tuition and excess cost.
- 3) Student names should not be disclosed on Form SF-14H or any attached documents. The students must be identified only by the SSID number.

b. Excess Costs

- 1) The educating district completes and submits to ODE Form SF-6 to recover excess cost. ODE Form SF-6 and instructions are on ODE's website.
- 2) Requirement of excess cost contract.

2. Regular education students

Similar process for tuition using ODE Form SF-14.

III. Requirement of Juvenile Court to Name the School District to Bear Cost of Educating Child O.R.C. §2151.362

Juvenile court is to designate the school district to bear costs of educating a child.

1. The court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency;
2. Shall determine the school district that is to bear the cost of educating the child.
3. That school district shall bear the cost of educating the child unless and until the department of education determines that a different district shall be responsible for bearing that cost.

IV. School District Required to Pay Costs of Education Can be Changed

- A. Ohio Department of Education procedure to change court orders. O.R.C. §2151.362
1. The child must be in the custody of a person other than the child's parent, or a government agency;
 2. The Department of Education can determine that the place of residence of the child's parent has changed since the court issued its initial order;
 3. The Department may name a different school district to bear the cost of educating the child;
 4. The Department shall make this new determination, and any future determinations, based on evidence received from the school district currently responsible to bear the cost of educating the child;
 5. If the Department finds that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order or since the Department last made a determination, the Department shall name the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located.
 6. If the Department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order, or in the most recent determination made by the Department shall continue to bear the costs of educating the child.
- C. How does the Department of Education procedure work?
1. The district named in the court order completes and submits to the Area Finance Coordinator, the ODE Form SF-DRC and supporting evidence to demonstrate that the residence of the child's parent has changed.
 - a. The form is on the ODE website with instructions including identifying the two types of proof of the parent's current residence which are acceptable to change a court order.

- b. The documentation must be no older than 60 days which is to the age of the documentation and not the length of time the parent has lived at the address.
- c. Most difficult part of the process can be obtaining the required documentation.
 - 1) Several options for documentation are identified in the Form.
 - 2) Talk to Area Finance Coordinator for other possibilities if having difficulty obtaining the documentation allowed by the Form.
 - 3) Certified mail letter to the parent could explain process and request documentation.

Signed receipt is one form of acceptable documentation.
 - 4) Try to develop a relationship with Children Services so that information about the parent's address can be obtained.
 - (a) Children Services may be helpful in obtaining documentation.
 - (b) Written affirmation of parent's address by Children Services is one of the acceptable documents.
- D. Ohio Department of Education procedure cannot be used if there is no school district named.

V. Investigation Process and Where to Begin

A. Initial Questions to Ask

- 1. Why is school district named in the court order to bear costs for education of student?
- 2. Who is the student?
- 3. Who are the parents?

4. Based on what address?

B. The Investigative Process and Where to Begin

1. Gather as much pertinent student and parent data as you can (names/address/school records).
2. Review juvenile court journal entry/children services child care agreement.
3. Contact the court or children services agency who issued the entry for additional information to assist you.
4. Run data information records from the Ohio Department of Taxation. Website: <https://thefinder.tax.ohio.gov>
5. Run an address through the county auditor school district.
6. Never assume a "mailing address city" is the same as the "school district of residence".

C. Open Lines of Communication

1. Get organized – Start your SF-14 and SF-14H reports as soon as you receive student information and journal entry; create a file on each student (and spreadsheet for tracking).
2. Open lines of communication with the district of residence; share the records – Be pro-active and prevent surprises! Advise of incoming students to your district under court order; or in the case of an out-going student: where they withdrew to; graduation. Track your students.
3. STOP ERRORS before they begin – communication between districts is key to preventing errors and enables all parties to be diligent and knowledgeable as to who the district of responsibility is or isn't in case of a journal entry error. This applies not only to SF-14 and SF-14H students, but detention center students also.
4. Act in good faith and establish a good working relationship with other school districts; court officers; children services agencies.

D. Create a Data Information Sheet

VI. Resources – Where to Look

A. The internet is a wealth of information

1. Court web sites.

a. Scan civil, criminal, domestic, probate and bankruptcy court records.

b. Look for last known address/records of parents.

c. Incarcerated parent?

1) Probation officer;

2) Attorney;

3) Children services caseworker; and

4) Correctional facility.

2. Social networking sites.

a. Scan social networking sites.

1) Facebook;

2) MySpace; and

3) Twitter

Note: If blocked by your district, talk with your superintendent to unblock sites and grant you access.

b. Search for both parents and students for clues of residence.

3. Miscellaneous/search engines.
 - a. 411.com; whitepages.com; USApeoplesearch.com; zabasearch.com; reunion.com; mylife.com;
 - b. Relatives; current/former neighbors, obituaries (local county coroner); utility companies;
 - c. MOTTO: Never Give Up Searching/Tracking.

VIII. What to Do With an Incarcerated Parent?

- A. Search for and obtain the criminal case file (what was their address at the time of arrest; court/trial service, post-conviction; house arrest, etc.)
- B. Local correctional facility and contract the incarcerated parent; send affidavit.
- C. Complete SFDRS and submit to ODE.

IX. Affidavit of Parent

- A. Use to identify parent's current address.
- B. Use for ODE procedure to change court order.

X. What to Do With a Court Order "No School To Bear Costs"

- A. Investigate.
- B. Gather records.
- C. Share with current school district of residence.
- D. Get an agreed entry of responsibility.
- E. File with Court and receive a corrected entry.

XI. Erroneous Court Orders

A. Review the Court Order

1. Why were you named?
2. Who is the student?
3. Who are the parents?
4. Based on what address?
5. Do not hesitate to contact the court issuing the court order for additional information to assist you in your investigation.

B. Investigation Begins

1. Student/Parent is not a resident of your district – where do they reside/which district?
2. Gather pertinent information before calling the court (parent's address).
3. Run data information records from the Ohio Department of Taxation (website: <https://thefinder.tax.ohio.gov>) and your local county auditor indicating appropriate district of residence.
4. Request the court/stenographer (Franklin County procedure) to review case and get back to you with a determination.
5. Contact appropriate district of residence that you have initiated a review.

C. Corrected Court Order

1. Request a copy of the corrected court order; maintain a copy in your file in case you need to dispute at a later time.
2. Ask that a copy of the corrected court order be sent to the guardian (or if whereabouts known, given/send to them).
3. Submit corrected court order to the appropriate district of residence and, if known, the district where student is "placed" by the courts or children services agency.

4. Remember the five B's:
 - a. Be proactive;
 - b. Be diligent,
 - c. Be knowledgeable;
 - d. Be thorough; and
 - e. Be cooperative.

XII. File Excess Costs and Catastrophic Costs Reports

A. Think about and TRACK potential students you can file on no matter how small or how costly the services.

B. Chase the money!

Consider such services as: Aides; OT-PT-speech-vision specialist-audiologist-nursing; special transportation; special placement (example: Excel Academy); special equipment.

C. Do not throw it away!

Put the time and effort into considering which students you might benefit from by filing an Excess or Catastrophic Cost Report whether is \$100 or \$400. Every little bit helps!

XIII. Miscellaneous Considerations/Summary

A. Know the role of your school district on each student tuition billing question.

1. School district of residence – parent moved – probably needs to get court order changed so no longer being billed.
2. New school district of residence – probably unknowing until either receives a new court order, ODE determination or possibly gets a billing.

3. Educating school district – wants to get the money.
- B. When receive a court order from the juvenile court or a letter of determination from ODE, determine:
1. Is your school district the former school district of residence of the parent which no longer has responsibility?
 2. Is your school district the new school district of residence responsible for the cost of educating the child?
 3. Is your school district the educating school district who can bill another school district.
- C. The juvenile court is required by O.R.C. §2151.362(A)(2) to name the school district responsible for educational costs.
1. Sometimes courts fail to make such a determination.
Lack of service on parent.
 2. In such a case the educating school district will want or need to get a court order issued so it can bill the school district of residence.
 3. A school district may be able to bill the school district of residence without a court order.
 4. If the billing is challenged by the “school district of residence,” ODE usually will not process the billing without a court order.
- D. Use Area Finance Coordinator as a resource on questions concerning billings for tuition and excess costs.
- E. The ODE procedure can be used only if there is an existing court order.
- F. The effective date of the new determination using the ODE procedure to change the school district responsible for the educational costs of the child should be the date of the school district’s filing of the request with ODE.
- G. The deadline to file the tuition payment request with the ODE Area Finance Coordinator is February 1st (for the first reporting period) and August 1st (for the second reporting period).

If the ODE Form SF-DRC is not filed with the Area Finance Coordinator in time to meet one of these deadlines, it may still be possible to get a letter from the school district to be designated the school district of residence of voluntary acceptance of the payment responsibility.

- H. Currently, ODE does not file any document in court indicating that the prior court order has changed. ODE issues a letter of determination.

A copy of the letter of determination is sent to the former school district of residence and the new school district of residence (which ODE describes as the sending and receiving school districts) and the educating school district.

XIV. Conclusion