



*Center for
School Finance and Accountability*

Comparison of 3313.64 (F) (11) and House Bill 130 (ORC: 3109-51 to 3109.62 and 3109.64 to 3109.73)
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Grandparent Rules

Grandparent Rule	Power of Attorney	Caretaker Authorization Affidavit
Authorized by section 3313.64 (F) (11) of the Ohio Revised Code	Authorized by sections 3109.51 to 3109.62 of the Ohio Revised Code	Authorized by sections 3109.64 to 3109.73 of the Ohio Revised Code.
Eligibility: A child under the age of twenty-two who is in the custody of the child’s parent, resides with a grandparent and does NOT require special education.	Eligibility: A child under the age of eighteen who is residing with the grandparent.	Eligibility: A child under the age of eighteen who is residing with a grandparent who is also at least eighteen years of age.
This requires prior approval by both Boards of Education stating that good cause exists for such attendance.	ORC 3109.52 The parent must execute a power of attorney authorizing the grandparent full authority over care, custody, and control of the child including the authority to make decisions regarding school matters and to consent to the medical, psychological and dental care for the child.	Only the grandparent can execute this document. The grandparent may execute this document if one of three parts of 3109.66 (8) have been met (1) unable to locate child parents; (2) paternity has not been established and the parent cannot be located; (3) a custody order exists preventing contact with the parent.
Educating district is district where grandparent lives, and resident district is where the parent currently resides.	The Power of attorney must be filed with the juvenile court or other court of jurisdiction.	The notarized document must be filed with the juvenile court of the grandparent’s residence county within five days.
Expires: at the end of one year.	Expires: at the end of one year.	Expires: at the end of one year.
Tuition: None to be billed.	Tuition: none to be billed. The child is with the grandparent and “parent” has been amended to include the grandparent as the “parent” in this situation, therefore the child is entitled to a free and appropriate education in the district of residence (grandparent).	Tuition: none to be billed. The child is with the grandparent and “parent” has been amended to include the grandparent as the “parent” in this situation, therefore the child is entitled to a free and appropriate education in the district of residence (grandparent)

3313.64 (A) (1) (b) has been added to the Ohio Revised Code. It states, “When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, “parent” means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code “parent” means the grandparent that executed the affidavit.”