

# AN ACT

To amend sections 3310.41, 3313.618, 3314.05, 3317.013, 3318.70, 3319.222, 3319.60, and 3323.01; to enact sections 3345.141 and 3365.036; and to repeal section 3319.613 of the Revised Code to require the State Board of Education to issue temporary educator licenses to applicants with expired professional teacher's certificates and professional educator licenses, with regard to the composition of the Educator Standards Board and its subcommittees, STEM school classroom facilities project funding, full-time equivalency for students enrolled in certain community schools for the 2022-2023 school year, the provision of intervention services under the Autism Scholarship Program, children of military families participation in the college credit plus program, high school graduation requirements for transfer and chartered nonpublic school students, and regarding the education of children experiencing developmental delays and state operating funding for districts and schools educating them; to expand where multiple community school facilities may be located under a community school sponsor contract; and to permit state universities to develop a policy regulating student organizations' use of university logos.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 3310.41, 3313.618, 3314.05, 3317.013, 3318.70, 3319.222, 3319.60, and 3323.01 be amended and sections 3345.141 and 3365.036 of the Revised Code be enacted to read as follows:

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that

"parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.

(6) "Qualified special education child" is a child for whom all of the following conditions apply:

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

(7) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

(8) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider, and to pay for other services agreed to by the provider and the parent of a qualified special education child that are not included in the individualized education program but are associated with educating the child. Upon agreement with the parent of a qualified special education child, the alternative public provider or the registered private provider may modify the services provided to the child. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized and any other services agreed to by the provider and the parent of a qualified special education child. The services provided under the scholarship shall include an educational component or services designed to assist the child to benefit from the child's education.

A scholarship under this section shall not be awarded to the parent of a child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the state board shall prohibit a parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under this section so that the parent may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program for which the parent is required to pay for services for the child.

Except for development of the child's individualized education program, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, as defined in section 3323.01 of the Revised Code, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the autism scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C) As prescribed in division (A)(2)(h) of section 3317.03 of the Revised Code, a child who is not a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the formula ADM of the district in which the child is entitled to attend school and not in the formula ADM of any other school district.

(D) A scholarship shall not be paid under section 3317.022 of the Revised Code to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior

analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," a ~~"registered behavior technician" as described under rule 5123-9-41 of the Administrative Code,~~ a ~~"certified Ohio behavior analyst" under Chapter 4783. of the Revised Code,~~ or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3313.618. (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

For the purposes of this division, the industry-recognized credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to satisfy the requirements of this section, the school district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

(B) In addition to the curriculum requirements specified by the district board or school governing authority, each student entering ninth grade for the first time on or after July 1, 2019, shall satisfy the following conditions in order to qualify for a high school diploma:

(1) ~~Except as otherwise provided in division (D) of this section, attain~~ Attain a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code.

School districts and chartered nonpublic schools shall offer remedial support to any student who fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations.

Following the first administration of the exam, if a student fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations that student must retake the respective examination at least once.

If a student fails to attain a competency score on a retake examination, the student may demonstrate competency in the failed subject area through one of the following options:

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the failed subject area;

(b) Complete two of the following options, one of which must be foundational:

(i) Foundational options to demonstrate competency, which include earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is at least equal to the total number of points established under that section to qualify for a high school diploma, obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license, completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field, completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department of education, on the nationally recognized job skills assessment selected by the state board under division (G) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

(d) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally

standardized assessment.

Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code.

(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

~~(C)(1)~~ A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) or (D) of this section, as applicable, in order to qualify for a high school diploma ~~under that division~~. However, any ~~such~~ student subject to division (B) of this section who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the Algebra I or English language arts II end-of-course examination shall not be required to retake the applicable examination prior to demonstrating competency in the failed subject area under the options prescribed in divisions (B)(1)(a) to (d) of this section.

(2) The department shall prescribe standards that allow a transfer student who, prior to the student's transfer, took an assessment described in division (B)(1) or (2) of section 3301.0712 or section 3313.619 of the Revised Code to apply the score from that assessment towards graduation requirements at the student's new public or chartered nonpublic school.

(D) Notwithstanding division (B) of this section, in addition to the curriculum requirements specified by the school governing authority, a chartered nonpublic school student subject to division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code entering ninth grade for the first time on or after July 1, 2019, shall be considered to have demonstrated competency for the purposes of division (B)(1) of this section qualify for a high school diploma if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination or earn diploma seals under this section.

(E) The state board of education shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify

the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract.

(B) Division (B) of this section shall not apply to internet- or computer-based community schools.

(1) A community school may be located in multiple facilities under the same contract only if the limitations on availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B)(2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility.

(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C)(3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code;

(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under division (D)(3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code.

(3) On and after ~~the effective date of this amendment~~ September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:

(a) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county or in any county adjacent to the county in which the community school's primary facility is located.

(b) Either of the following conditions are satisfied:

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located;

(ii) The community school is managed by an operator.

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

(F)(1) In the case of a community school that exists prior to ~~the effective date of this amendment~~ September 30, 2021, to which division (B)(3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to ~~the effective date of this amendment~~ September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F)(2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing



authority pursuant to the requirements of this section as it existed prior to the ~~effective date of this amendment~~ September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.

(2)(a) On and after ~~the effective date of this amendment~~ September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education of that designation.

(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F)(1) of this section or otherwise, shall notify the department of that modification.

Sec. 3317.013. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, are as follows:

(A) A multiple of 0.2435 for students whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of 0.6179 for students identified as specific learning disabled ~~or~~ developmentally disabled, or developmentally delayed, as these terms are defined pursuant to Chapter 3323. of the Revised Code, identified as having an other health impairment-minor, or identified as a preschool child who is developmentally delayed;

(C) A multiple of 1.4845 for students identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 1.9812 for students identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) A multiple of 2.6830 for students identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(F) A multiple of 3.9554 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

Sec. 3318.70. (A) As used in this section:

(1) "Acquisition of classroom facilities" has the same meaning as in section 3318.40 of the Revised Code.

(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code.

(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code that is not governed by a single school district board of education, as prescribed by section 3326.51 of the Revised Code.

(B) The Ohio facilities construction commission shall establish guidelines for assisting STEM schools in the acquisition of classroom facilities.

(C) Upon receipt of a written proposal by the governing body of a STEM school, the commission, subject to approval of the controlling board, shall provide funding to assist that STEM school in the acquisition of classroom facilities. The proposal of the governing body shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate

both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines and if the controlling board approves that funding, the commission shall enter into an agreement with the governing body for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the STEM school permanently closes at any time.

(D) In the case of the governing body of a group of STEM schools, as prescribed by section 3326.031 of the Revised Code, the governing body shall submit a proposal for each school under its direction separately, and the commission shall consider each proposal separately.

(E) If, after the commission and a STEM school to which this section applies enter into a written agreement under this section for the construction of a classroom facilities project, the commission approves an increase in the basic project cost above the amount budgeted plus any interest earned and available in the school's project construction fund, the state and the school shall share the increased cost in proportion to their respective contributions to the school's project construction fund.

Sec. 3319.222. (A) Notwithstanding the amendments to and repeal of statutes by ~~the act that enacted this section~~ H.B. 1 of the 128th general assembly, the state board of education shall accept applications for new, and renewal and upgrade of, temporary, associate, provisional, and professional educator licenses, alternative educator licenses, one-year conditional teaching permits, and school nurse licenses through December 31, 2010, and issue them on the basis of the applications received by that date in accordance with the former statutes in effect immediately prior to amendment or repeal by ~~the act that enacted this section~~ H.B. 1 of the 128th general assembly.

(B) A permanent teacher's certificate issued under former sections 3319.22 to 3319.31 of the Revised Code prior to October 29, 1996, or under former section 3319.222 of the Revised Code as it existed prior to October 16, 2009, shall be valid for teaching in the subject areas and grades for which the certificate was issued, except as the certificate is limited, suspended, or revoked under section 3319.31 of the Revised Code.

(C) The following certificates, permits, or licenses shall be valid until the certificate, permit, or license expires for teaching in the subject areas and grades for which the certificate, permit, or license was issued, except as the certificate, permit, or license is limited, suspended, or revoked under section 3319.31 of the Revised Code:

(1) Any professional teacher's certificate issued under former section 3319.222 of the Revised Code, as it existed prior to October 16, 2009;

(2) Any temporary, associate, provisional, or professional educator license issued under former section 3319.22 of the Revised Code, as it existed prior to October 16, 2009, or under division (A) of this section;

(3) Any alternative educator license issued under former section 3319.26 of the Revised Code, as it existed prior to October 16, 2009, or under division (A) of this section;

(4) Any one-year conditional teaching permit issued under former section 3319.302 or

3319.304 of the Revised Code, as it existed prior to October 16, 2009, or under division (A) of this section.

(D) Any school nurse license issued under former section 3319.22 of the Revised Code, as it existed prior to October 16, 2009, or under division (A) of this section shall be valid until the license expires for employment as a school nurse, except as the license is limited, suspended, or revoked under section 3319.31 of the Revised Code.

(E) Nothing in this section shall be construed to prohibit a person from applying to the state board for an educator license issued under section 3319.22 of the Revised Code, a school nurse license or a school nurse wellness coordinator license issued under former section 3319.221 of the Revised Code, or an alternative resident educator license issued under section 3319.26 of the Revised Code, as the section exists on and after October 16, 2009.

(F) On and after October 16, 2009, any reference in the Revised Code to educator licensing is hereby deemed to refer also to certification or licensure under divisions (A) to (D) or (G) of this section.

(G)(1) On and after the effective date of this amendment, the state board shall accept an application from and issue a nonrenewable, two-year temporary educator license to an individual who has an expired professional teacher's certificate or professional educator license issued under any version of section 3319.22 or 3319.222 of the Revised Code and who, at the time of expiration of the license or certificate, had no disciplinary sanctions on the certificate or license. The temporary educator license shall be valid for teaching in the same subject areas and grades for which the expired certificate or license was issued including any endorsements attached to the expired certificate or license, except as the temporary license is subsequently limited, suspended, or revoked under section 3319.31 of the Revised Code.

(2) Prior to providing instruction at an employing school district or school under a temporary educator license issued under division (G)(1) of this section, an individual shall complete any training required by the employing school district or school.

(3) The state board shall issue a professional educator license with any applicable license endorsements to an individual who receives a temporary educator license issued under division (G) (1) of this section and who, during the duration of that license, completes either eighteen continuing education units or six semester hours of coursework in the area of licensure or in an area related to the teaching field. The license and endorsements shall be valid for teaching in the same subject areas and grades for which the individual's expired certificate or license and endorsements were issued, except as the professional educator license is subsequently limited, suspended, or revoked under section 3319.31 of the Revised Code.

Sec. 3319.60. There is hereby established the educator standards board. The board shall develop and recommend to the state board of education standards for entering and continuing in the educator professions and standards for educator professional development. The board membership shall reflect the diversity of the state in terms of gender, race, ethnic background, and geographic distribution.

(A) The board shall consist of the following members:

(1) The following nineteen members appointed by the state board of education:

(a) Ten persons employed as teachers in a school district. Three persons appointed under this

division shall be employed as teachers in a secondary school, two persons shall be employed as teachers in a middle school, three persons shall be employed as teachers in an elementary school, one person shall be employed as a teacher in a pre-kindergarten classroom, and one person shall be a teacher who serves on a local professional development committee pursuant to section 3319.22 of the Revised Code. At least one person appointed under this division shall hold a teaching certificate or license issued by the national board for professional teaching standards. The Ohio education association shall submit a list of fourteen nominees for these appointments and the state board may appoint up to seven members to the educator standards board from that list. The Ohio federation of teachers shall submit a list of six nominees for these appointments and the state board may appoint up to three members to the educator standards board from that list. If there is an insufficient number of nominees from both lists to satisfy the membership requirements of this division, the state board shall request additional nominees who satisfy those requirements.

(b) One person employed as a teacher in a chartered, nonpublic school. Stakeholder groups selected by the state board shall submit a list of two nominees for this appointment.

(c) Five persons employed as school administrators in a school district. Of those five persons, one person shall be employed as a secondary school principal, one person shall be employed as a middle school principal, one person shall be employed as an elementary school principal, one person shall be employed as a school district treasurer or business manager, and one person shall be employed as a school district superintendent. The buckeye association of school administrators shall submit a list of two nominees for the school district superintendent, the Ohio association of school business officials shall submit a list of two nominees for the school district treasurer or business manager, the Ohio association of elementary school administrators shall submit a list of two nominees for the elementary school principal, and the Ohio association of secondary school administrators shall submit a list of two nominees for the middle school principal and a list of two nominees for the secondary school principal.

(d) One person who is a member of a school district board of education. The Ohio school boards association shall submit a list of two nominees for this appointment.

(e) One person who is a parent of a student currently enrolled in a school operated by a school district. The Ohio parent teacher association shall submit a list of two nominees for this appointment.

(f) One person who represents community schools established under Chapter 3314. of the Revised Code.

(2) The chancellor of ~~the Ohio board of regents~~ higher education shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch, ~~one shall be employed in a college of education and one shall be employed in a college of arts and sciences.~~

(a) One shall be a representative of the Ohio association of private colleges for teacher

education, or its successor organization.

(b) One shall be a representative of the state university education deans of Ohio, or its successor organization.

The chancellor shall appoint a representative from each of the organizations specified in divisions (A)(2)(a) and (b) of this section not later than sixty days after the effective date of this amendment. Each representative shall serve a two-year term beginning July 1, 2023.

(3) The speaker of the house of representatives shall appoint two persons who are active in or retired from the education profession.

(4) The president of the senate shall appoint two persons who are active in or retired from the education profession.

(5) The superintendent of public instruction or a designee of the superintendent, the chancellor of ~~the Ohio board of regents higher education~~ or a designee of the chancellor, and the chairpersons and the ranking minority members of the education committees of the senate and house of representatives shall serve as nonvoting, ex officio members.

(B) Terms of office shall be for two years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. At the first meeting, appointed members shall select a chairperson and a vice-chairperson. Vacancies on the board shall be filled in the same manner as prescribed for appointments under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The terms of office of members are renewable.

(C) Members shall receive no compensation for their services.

(D) The board shall establish guidelines for its operation. These guidelines ~~shall require the creation of a standing subcommittee on higher education, and~~ shall permit the creation of ~~other~~ standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select persons who are not members of the board to participate in the deliberations of any subcommittee as representatives of stakeholder groups, but no such person shall vote on any issue before the subcommittee.

Sec. 3323.01. As used in this chapter:

(A) "Child with a disability" means a child who is at least three years of age and less than twenty-two years of age; who has an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability (including dyslexia), deaf-blindness, or multiple disabilities; and who, by reason thereof, needs special education and related services.

A "child with a disability" may include a child who is at least three years of age and less than ~~six-ten~~ years of age; who is experiencing developmental delays, as defined by standards adopted by the state board of education and as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason

thereof, needs special education and related services.

(B) "Free appropriate public education" means special education and related services that meet all of the following:

(1) Are provided at public expense, under public supervision and direction, and without charge;

(2) Meet the standards of the state board of education;

(3) Include an appropriate preschool, elementary, or secondary education as otherwise provided by the law of this state;

(4) Are provided for each child with a disability in conformity with the child's individualized education program.

(C) "Homeless children" means "homeless children and youths" as defined in section 725 of the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11434a.

(D) "Individualized education program" or "IEP" means the written statement described in section 3323.011 of the Revised Code.

(E) "Individualized education program team" or "IEP team" means a group of individuals composed of:

(1) The parents of a child with a disability;

(2) At least one regular education teacher of the child, if the child is or may be participating in the regular education environment;

(3) At least one special education teacher, or where appropriate, at least one special education provider of the child;

(4) A representative of the school district who meets all of the following:

(a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

(b) Is knowledgeable about the general education curriculum;

(c) Is knowledgeable about the availability of resources of the school district.

(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in divisions (E)(2) to (4) of this section;

(6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;

(7) Whenever appropriate, the child with a disability.

(F) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.

(G) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, which is not a city, local, or exempted village school district or an agency administered by the department of developmental disabilities, that provides or seeks to provide special education or related services to children with disabilities. The term "other educational agency" includes a joint vocational school district.

(H) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:

(1) A natural or adoptive parent of a child but not a foster parent of a child;

(2) A guardian, but not the state if the child is a ward of the state;

(3) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare;

(4) An individual assigned to be a surrogate parent, provided the individual is not prohibited by this chapter from serving as a surrogate parent for a child.

(I) "Preschool child with a disability" means a child with a disability who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(J) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, school health services, social work services in schools, and parent counseling and training, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. "Related services" does not include a medical device that is surgically implanted, or the replacement of such device.

(K) "School district" means a city, local, or exempted village school district.

(L) "School district of residence," as used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, means:

(1) The school district in which the child's natural or adoptive parents reside;

(2) If the school district specified in division (L)(1) of this section cannot be determined, the last school district in which the child's natural or adoptive parents are known to have resided if the parents' whereabouts are unknown;

(3) If the school district specified in division ~~(M)(2)~~(L)(2) of this section cannot be determined, the school district determined under section 2151.362 of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides.

(4) Notwithstanding divisions ~~(M)(1)~~(L)(1) to (3) of this section, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.

(M) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. "Special education" includes instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, including an early childhood education setting, and instruction in physical education.

(N) "Student with a visual impairment" means any person who is less than twenty-two years of age and who has a visual impairment as that term is defined in this section.

(O) "Transition services" means a coordinated set of activities for a child with a disability that meet all of the following:

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living; or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests;

(3) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"Transition services" for children with disabilities may be special education, if provided as specially designed instruction, or may be a related service, if required to assist a child with a disability to benefit from special education.

(P) "Visual impairment" for any individual means that one of the following applies to the individual:

(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than twenty degrees.

(2) The individual has a medically indicated expectation of meeting the requirements of division (P)(1) of this section over a period of time.

(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.

(Q) "Ward of the state" has the same meaning as in section 602(36) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1401(36).

Sec. 3345.141. (A) The board of trustees of a state university, as defined in section 3345.011 of the Revised Code, may adopt a policy to permit a student organization that is registered with the university to use the university's master and subsidiary logos for any of the organization's activities, materials, publications, or web sites that are not otherwise sanctioned by the university. The board of trustees shall make the policy available to the public.

(B) No student organization registered with a state university shall use the university's logos for any of the organization's activities, materials, publications, or web sites that are not sanctioned by the university, unless the university has adopted a policy under this section, the organization receives approval under that policy, and the organization uses the logos in compliance with that policy.

(C) A state university's policy shall do at least all of the following:

(1) Define "student organization" for the purposes of the policy;

(2) Establish a procedure under which a student organization may request approval to use the state university's logos. The procedure shall require a university employee to approve or disapprove the request based on the standards prescribed under division (C)(3) of this section. The employee who approves or disapproves a request shall indicate on the request form whether the request is approved or disapproved. That employee also shall include all of the following on the form:

(a) The employee's printed name;



(b) The employee's signature;

(c) The date the request was approved or disapproved.

(3) Prescribe standards for the approval or disapproval of a student organization's use of the state university's logos. The standards shall prohibit the use of the university's logos to indicate the university's approval or disapproval of any political or social issue supported by the organization. The standards shall require a student organization to affirm that it will not violate that prohibition.

(4) Require a student organization that has approval to use the state university's logos to include a disclaimer on any web site or printed or digital material if the web site or material uses the university's logo and is not otherwise sponsored by the university. The disclaimer shall state both of the following:

(a) The student organization is registered with the state university;

(b) Registration shall not be construed as the state university's approval, endorsement, or sponsorship of the student organization's publications, activities, purposes, actions, or positions.

(5) Establish a grievance procedure for when a logo request is disapproved or a student organization is improperly using a logo, including if an organization does any of the following:

(a) Uses a logo without approval;

(b) Fails to include the disclaimer if it is required under division (C)(4) of this section;

(c) Uses the logo to indicate the state university's approval, endorsement, or sponsorship of any of the organization's publications, activities, purposes, actions, or positions that are not sanctioned by the university.

(6) If determined appropriate by the board of trustees, establish penalties for a student organization that improperly uses the state university's logo;

(7) Require a university employee who makes a determination regarding a grievance to produce a report that includes a description of the grievance and the resolution. The employee shall include all of the following in the report:

(a) The employee's printed name;

(b) The employee's signature;

(c) The date the report was signed.

(8) Require the state university, each month, to enter into a depository on the university's public web site a copy of each approved or disapproved request form and each grievance report produced in that month. Each form and report shall be maintained in the depository for at least five years. The forms and reports are public records subject to section 149.43 of the Revised Code.

(9) Require the state university to provide information regarding the university's policy in any annual training the university provides to student organization leaders;

(10) If determined appropriate by the board of trustees, designate a state university office or department to perform the duties prescribed for university employees under the policy and authorize an employee assigned to that office or department to perform those duties.

(D) A policy adopted under this section shall not apply to any of the following:

(1) Sections 3376.01 to 3376.08 of the Revised Code;

(2) Any commercial revenue generating opportunity sanctioned by a state university;

(3) A student organization that operates on a campus on which a state university is co-located with another institution of higher education.

Sec. 3365.036. (A) As used in this section, "children of military families" has the same meaning as in section 3301.60 of the Revised Code.

(B) Any secondary school or college that participates in the college credit plus program under this chapter shall permit children of military families participating in the program who must withdraw from that school because of a permanent change of station order out of the state to transition from one military installation to another to do either of the following:

(1) Complete participation in the course the student is taking through the program for the duration of the semester in which the student is enrolled in an online format, if possible;

(2) Withdraw from the course the student is taking through the program without academic or financial penalty.

SECTION 2. That existing sections 3310.41, 3313.618, 3314.05, 3317.013, 3318.70, 3319.222, 3319.60, and 3323.01 of the Revised Code are hereby repealed.

SECTION 3. That section 3319.613 of the Revised Code is hereby repealed.

SECTION 4. Any child identified as having a developmental delay who is enrolled in preschool on the effective date of this section and who will turn six years old on or before June 30, 2023, shall be permitted to remain in preschool and shall continue to be identified as having a developmental delay through that date.

SECTION 5. (A) This section applies to a community school described in Section 16 of H.B. 583 of the 134th General Assembly and to any other community school that is operated by a management company that operates a community school subject to that section.

(B) Notwithstanding division (H) of section 3314.08 of the Revised Code, a community school established under Chapter 3314. of the Revised Code and to which this section applies may report to the Department of Education the number of students enrolled in the community school on a full-time equivalent basis for the 2022-2023 school year using the lesser of the following:

(1) The maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(2) The sum of one-sixth of the full-time equivalency based on attendance for the portion of the school year for which the student is enrolled in the school and one-sixth the full-time equivalency based on each credit of instruction earned during the enrollment period, not to exceed five credits.

(C)(1) The Department of Education shall complete a review of each community school that reports the full-time equivalency of students under division (B) of this section in accordance with division (K) of section 3314.08 of the Revised Code.

(2) If the Department determines a school has been overpaid based on a review completed under division (C)(1) of this section, it shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(D) Notwithstanding any provision to the contrary in the Revised Code or the Administrative

Code, for purposes of reporting attendance and meeting minimum school year requirements under sections 3313.48 and 3314.03 of the Revised Code, a community school to which this section applies may report attendance to the Department of Education consistent with the attendance policy approved by the governing authority of the school.

SECTION 6. Section 3345.141 of the Revised Code as enacted by this act shall take effect on September 1, 2023.

SECTION 7. Section 3314.05 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_